



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>



3 3433 06733351 2



A

COMPARATIVE DISPLAY

OF THE

DIFFERENT OPINIONS

OF THE

MOST DISTINGUISHED BRITISH WRITERS

ON THE SUBJECT OF THE

FRENCH REVOLUTION;

FOLLOWED BY

A Review, and Comparison

WITH

EVENTS.

IN THREE VOLUMES.

VOL. I.

I will hear *Brutus* speak———
I will hear *Cassius*, and compare their reasons.
Shakspeare.

LONDON,
Printed by P. Stuart,
No. 47, Holywell-Street, Strand,
For T. Egerton, Military Library, Whitehall; and to be had
of all the other Booksellers.

1811.

R.A.H



PREFACE.

THE FRENCH REVOLUTION, owing to a vast concurrence of circumstances, excited a more universal interest, and produced more animated discussions, than any event recorded in history. Those who are acquainted with the state of the world for ages know, that most revolutions have been effected by physical force. It is the province of force to repel, or subdue, or overawe, reason; but the French Revolution originated not in FORCE, but in OPINION, which, in a very short period, grasped the sword, and gave stability and continuity to itself by force—not continuity or stability as a new system of government, for nothing has been more unstable, but continuity and stability as a revolution. Never was any government so completely overturned in all its parts as that of France; and at the

time when the work of destruction of what was bad was achieved, and the establishment of what was good expected, the interest excited was great beyond example.

It became then the business of men of mind to examine and discuss what was produced by mind, and had emanated from opinion; and as the world was possessed of more means of disseminating opinions than at any former period, and, to use the phrase of the time, was more enlightened, discussion was evidently more easy and more natural.

But it was not only more easy and natural to discuss the subject, it was evidently more useful; for where mind was the chief operator, mind also might with advantage interfere either in defence or attack.

Had the world been equally enlightened in the days of Alexander or Cæsar, or when the Goths and Vandals overturned the Western Empire, still discussion would neither have been safe nor useful. No one will dispute this; but all will lament that a revolution, originating in opinion, should terminate (at least for the present) in erecting a power that crushes all

all opinion, and in laying prostrate in the dust every thing held dear by those with whom it first originated !!!

It is when an event is recent that it excites the strongest sensation. The interest diminishes when the mind is accustomed to its contemplation; it is therefore highly important to take a review of what strong minds and men of abilities thought concerning so great an event, when its importance was heightened by its novelty. It was with this view that these Extracts from the Works of the different Writers were collected into two volumes soon after they appeared; but various reasons prevented the continuance of the publication in that form and at that time. The case is now greatly altered—Universal Despotism has spread its gloomy wings over the Continent of Europe, which was then in danger from a too enlarged scheme of Liberty; and there can be nothing of the kind more advantageous than to preserve, as it were in a Register, the opposite opinions formed by able men at the time, comparing those opinions with the ACTUAL result of this gigantic experiment for

establishing Liberty by following theory, and quitting the much more certain and safe road of experience.

The Leaders of the French Revolution still wore the mask of philosophy and virtue—they wished to be thought pointing to happiness; but as their sincerity was doubtful, it was thought prudent at that time not to disseminate the arguments for it more widely than the Authors themselves—hence this valuable Publication was suspended, and has been locked up for nearly twenty years: but now that the fallacy of those arguments have been fully proved, and the whole seen in a different and true light, it is presumed that THIS SELECTION, with a good deal of *Additional* Matter, in the *Third* Volume, by way of a Review, will be very acceptable to the Public, and of considerable utility.

The object of this Publication then is, after contrasting the opinions of Burke, Mackintosh, and others, who wrote at the time, to place them all as it were in a balance held up by time and events, which mode alone shews the true value of human combinations. The reader will perceive, that all the various enemies and advocates
of

of the French Revolution, without exception, espoused the side they took with too much bias and partiality ; and, whilst they reproach Mr. Burke for predicting that France would be blotted out from the list of nations, they will not fail to blame those who saw nothing but a certainty of Liberty and Happiness arising from the new theories that were taken as the guides for those who ruled that unfortunate country.

The Revolution, in fact, has disappointed and belied all those who wrote at the time, and therefore we are neither to approve of nor condemn indiscriminately ; although we must admit, that when Mr. Burke predicted that evil would arise from so sudden a transition, owing to neither asking the assistance of time to mature, nor of experience to guide, he was perfectly *right*. His error was in predicting the form in which the evil would appear. His imagination gave form and shape to what he foresaw as misery and misfortune ; but although the misery and misfortune have been real and great, yet their forms are very different from those which he depicted.

This

This error has thrown a discredit on that profound though fanciful Writer, which neither time nor argument will obliterate; but then let us shew that his opponents fell also into an error, tho' of a different sort. Mr. Burke predicted misery to the people, and misery enough has been their portion! His opponents anticipated and proclaimed a state of Liberty and Happiness, which they have not enjoyed for one single day! With whom, then, rests the victory? This is the question about to be determined; but, in solving it, we propose something more useful than merely to praise or condemn—we mean to examine into the circumstances that led to the errors that have produced such fatal results, and, if possible, prevent other nations not yet ruined, from falling into similar misfortune. We are not without a hope that a time will yet come when France may have another opportunity of regeneration; and we should be glad to have some hand in guiding it by a safer compass than that kind of *reason, theory, and philosophy*, by which the men of 1789 conceived themselves to be directed.

This is the more important, because a
great

great English Orator*, whose character as a politician was more popular than that of any of those who entered into the literary contest, gave the Revolutionary Code (the constitution of 1789) a higher degree of praise, after it had completely failed, than any of its warmest advocates had done before even its first lustre was tarnished. It is to be doubted whether Mr. Mackintosh or Mr. Paine would have said at any period, that "the French Constitution was the most glorious fabric ever erected by human wisdom;" but certainly neither of them would have said so after it was "weighed in the balance and found wanting." Mr. Fox was then not only a writer, but a speaker on the subject; he therefore must be reviewed, more especially since his principles form the political creed of many persons, who, taking such principles implicitly on trust, will not admit of any one questioning their infallibility.

The EDITOR of the REVIEW will endeavour to ascertain, whether it was not the very errors of that constitution which principally led to anarchy, and from that to despotism; and, if he can

* Mr. Fox.

prove

prove those errors to have been the cause, where is the friend of *rational* Liberty who will become the advocate of that constitution !

This Inquiry, however, must come in its proper place, after the different contemporary opinions have been examined and reviewed, and that chain of events traced by which a throne of France has been established with a degree of rigorous despotism as unexampled as was the struggle for Liberty and Equality. And it cannot be without utility that we bring the mind back to the false appearances that those transactions had at the time, which have involved nearly the whole of Europe in destruction, and have perhaps ruined the cause of *rational* Liberty for a number of centuries.

Those who think that the French Revolution was an event beyond the comprehension of the Politicians of former days will be convinced, by the following Extract from Hume, that he, with great profoundness and sagacity, not only foresaw the danger of such principles as prevailed at the beginning of the French Revolution, but that he foretold the ultimate
result

result of such an attempt with as much accuracy as Sir Isaac Newton calculated the flatness of the earth at the poles. What ordinary, or even able, minds never would have thought of, presented itself to such great men in as complete a manner as if they had been witnesses to the fact.

It is not possible to make a better estimate of the tendency of popular supremacy; and it is difficult to read it without reflecting how much more justly this philosopher reasoned, quietly, and uninfluenced by actual scenes, than those who afterwards got heated by espousing some particular side, and daily listening to harangues that inflamed the mind and bewildered the imagination.

Mr. Hume wrote his Essays nearly half a century before the French Revolution; but those who conducted it, those who approved of it, and those who condemned it, were all too much occupied with recent writings, or present occurrences, to take any notice of what, in a spirit of prophecy, that profound writer says:—

“ But the people must not pretend,
 “ because they can, by their consent, lay
 “ the foundations of government, that
 “ therefore

“ therefore they are to be permitted, at
 “ their pleasure, to overthrow and subvert
 “ them. There is no end of these seditious
 “ and arrogant claims. The power of the
 “ Crown is now openly struck at: The
 “ nobility are also in visible peril: The
 “ gentry will soon follow: The popular
 “ leaders, who will then assume the name
 “ of gentry, will next be exposed to dan-
 “ ger: And the people themselves, having
 “ become incapable of civil government,
 “ and lying under the restraint of no au-
 “ thority, must, for the sake of peace,
 “ admit, instead of their legal and mild
 “ monarchs, a succession of military and
 “ despotic tyrants!”—(*Hume's Essays*,
vol. I, page 507, edition 1777).

COMPARATIVE DISPLAY,
&c.

The STATE of FRANCE previous to the Revolution described, and the NECESSITY of a Revolution considered.

MR. BURKE.

I KNOW how easy a topic it is to dwell on the faults of departed greatness. By a revolution in the state, the fawning sycophant of yesterday is converted into the austere critic of the present hour. But steady independent minds, when they have an object of so serious a concern to mankind as government under their contemplation, will disdain to assume the part of satirists and declaimers. They will judge of human institutions as they do of human characters. They will sort out the good from the evil, which is mixed in mortal institutions as it is in mortal men.

Reflections
on the Revolution in
France, &c.
by Mr.
Burke.

B

Your

Mr. Burke.

Your government in France, though usually, and I think justly, reputed the best of the unqualified or ill-qualified monarchies, was still full of abuses. These abuses accumulated in a length of time, as they must accumulate in every monarchy not under the constant inspection of a popular representative. I am no stranger to the faults and defects of the subverted government of France; and I think I am not inclined by nature or policy to make a panegyric upon any thing which is a just and natural object of censure. But the question is not now of the vices of that monarchy, but of its existence. Is it then true, that the French government was such as to be incapable or undeserving of reform; so that it was of absolute necessity the whole fabric should be at once pulled down, and the area cleared for the erection of a theoretic experimental edifice in its place? All France was of a different opinion in the beginning of the year 1789. The instructions to the representatives of the states-general, from every district in that kingdom, were filled with projects for the reformation of that government, without the remotest suggestion of a design to destroy it. Had such a design been then even insinuated, I believe there would have been but one voice, and that voice for rejecting it with scorn and horror. Men have been sometimes led by degrees, sometimes hurried into things, of which, if they could have seen the whole together, they never would have permitted the most remote approach. When those instructions were given, there was no question but that abuses existed, and that they demanded a reform; nor is there now. In the interval between

the instructions and the revolution, things changed their shape; and in consequence of that change, the true question at present is, Whether those who would have reformed, or those who have destroyed, are in the right? Mr. Burke.

To hear some men speak of the late monarchy of France, you would imagine that they were talking of Persia bleeding under the ferocious sword of Tæhmas Kouli Khân; or at least describing the barbarous anarchic despotism of Turkey, where the finest countries in the most genial climates in the world are wasted by peace more than any countries have been worried by war; where arts are unknown, where manufactures languish, where science is extinguished, where agriculture decays, where the human race itself melts away and perishes under the eye of the observer. Was this the case of France? I have no way of determining the question but by a reference to facts. Facts do not support this resemblance. Along with much evil, there is some good in monarchy itself; and some corrective to its evil, from religion, from laws, from manners, from opinions, the French monarchy must have received; which rendered it (though by no means a free, and therefore by no means a good constitution) a despotism rather in appearance than in reality.

Among the standards upon which the effects of government on any country are to be estimated, I must consider the state of its population as not the least certain. No country in which population flourishes, and is in progressive improvement, can

Mr. Burke. be under a *very* mischievous government. About sixty years ago, the Intendants of the generalities of France made, with other matters, a report of the population of their several districts. I have not the books, which are very voluminous, by me, nor do I know where to procure them (I am obliged to speak by memory, and therefore the less positively); but I think the population of France was by them, even at that period, estimated at twenty-two millions of souls. At the end of the last century it had been generally calculated at eighteen. On either of these estimations France was not ill-peopled. Mr. Necker, who is an authority for his own time at least equal to the Intendants for theirs, reckons, and upon apparently sure principles, the people of France, in the year 1780, at twenty-four millions six hundred and seventy thousand. But was this the probable ultimate term under the old establishment? Dr. Price is of opinion, that the growth of population in France was by no means at its *acmé* in that year. I certainly defer to Dr. Price's authority a good deal more in these speculations, than I do in his general politics. This gentleman, taking ground on Mr. Necker's data, is very confident, that since the period of that minister's calculation, the French population has increased rapidly; so rapidly that in the year 1789 he will not consent to rate the people of that kingdom at a lower number than thirty millions. After abating much (and much I think ought to be abated) from the sanguine calculation of Dr. Price, I have no doubt that the popu-

lation of France did increase considerably during this later period : but supposing that it increased to nothing more than will be sufficient to complete the 24,670,000 to 25 millions, still a population of 25 millions, and that in an increasing progress, on a space of about twenty-seven thousand square leagues, is immense. It is, for instance, a good deal more than the proportionable population of this island, or even than that of England, the best peopled part of the united kingdom. Mr. Burke.

It is not universally true, that France is a fertile country. Considerable tracts of it are barren, and labour under other natural disadvantages. In the portions of that territory, where things are more favourable, as far as I am able to discover, the numbers of the people correspond to the indulgence of nature *. The Generality of Lisle (this I admit is the strongest example) upon an extent of 404½ leagues, about ten years ago, contained 734,600 souls, which is 1772 inhabitants to each square league. The middle term for the rest of France is about 900 inhabitants to the same admeasure-ment.

I do not attribute this population to the deposed government ; because I do not like to compliment the contrivances of men, with what is due in a great degree to the bounty of Providence. But that decried government could not have obstructed, most probably it favoured, the operation of those

* De l'Administration des Finances de la France, par Monf. Necker, vol. i. p. 288.

Mr. Burke. causes (whatever they were), whether of nature in the soil, or in habits of industry among the people, which has produced so large a number of the species throughout that whole kingdom, and exhibited in some particular places such prodigies of population. I never will suppose that fabric of a state to be the worst of all political institutions, which, by experience, is found to contain a principle favourable (however latent it may be) to the increase of mankind.

The wealth of a country is another, and no contemptible standard, by which we may judge whether, on the whole, a government be protecting or destructive. France far exceeds England in the multitude of her people; but I apprehend that her comparative wealth is much inferior to ours; that it is not so equal in the distribution, nor so ready in the circulation. I believe the difference in the form of the two governments to be amongst the causes of this advantage on the side of England. I speak of England, not of the whole British dominions; which, if compared with those of France, will, in some degree, weaken the comparative weight of wealth upon our side. But that wealth, which will not endure a comparison with the riches of England, may constitute a very respectable degree of opulence. Mr. Necker's book, published in 1785*, contains an accurate and interesting collection of facts relative to public economy and to political arithmetic; and his spe-

* *De l'Administration des Finances de la France*, par Monsr. Necker.

culations on the subject are in general wise and liberal. In that work he gives an idea of the state of France, very remote from the portrait of a country whose government was a perfect grievance, an absolute evil, admitting no cure but through the violent and uncertain remedy of a total revolution. He affirms, that from the year 1726 to the year 1784 there was coined at the mint of France, in the species of gold and silver, to the amount of about one hundred millions of pounds sterling*.

Mr. Burke.

It is impossible that Mr. Necker should be mistaken in the amount of the bullion which has been coined in the mint. It is a matter of official record. The reasonings of this able financier concerning the quantity of gold and silver which remained for circulation when he wrote in 1785, that is, about four years before the deposition and imprisonment of the French King, are not of equal certainty; but they are laid on grounds so apparently solid, that it is not easy to refuse a considerable degree of assent to his calculation. He calculates the *numéraire*, or what we call *specie*, then actually existing in France, at about eighty-eight millions of the same English money. A great accumulation of wealth for one country, large as that country is! Mr. Necker was so far from considering this influx of wealth as likely to cease when he wrote in 1785, that he presumes upon a future annual increase of two per cent. upon the money brought into France during the periods from which he computed.

* Vol. iii. chap. 8. and chap. 9.

Mr. Burke.

Some adequate cause must have originally introduced all the money coined at its mint into that kingdom ; and some cause as operative must have kept at home, or returned into its bosom, such a vast flood of treasure as Mr. Necker calculates to remain for domestic circulation. Suppose any reasonable deductions from Mr. Necker's computation ; the remainder must still amount to an immense sum. *Causes thus powerful to acquire and to retain, cannot be found in discouraged industry, insecure property, and a positively destructive government.*

Indeed, when I consider the face of the kingdom of France ; the multitude and opulence of her cities ; the useful magnificence of her spacious high-roads and bridges ; the opportunity of her artificial canals and navigations, opening the conveniences of maritime communication through a solid continent of so immense an extent ; when I turn my eyes to the stupendous works of her ports and harbours, and to her whole naval apparatus, whether for war or trade ; when I bring before my view the number of her fortifications, constructed with so bold and masterly a skill, and made and maintained at so prodigious a charge, presenting an armed front and impenetrable barrier to her enemies upon every side ; when I recollect how very small a part of that extensive region is without cultivation, and to what complete perfection the culture of many of the best productions of the earth has been brought in France ; when I reflect on the excellence of her manufactures and fabrics,

second

second to none but ours, and in some particulars Mr. Burke.
 not second ; when I contemplate the grand foundations of charity, public and private ; when I survey the state of all the arts that beautify and polish life ; when I reckon the men she has bred for extending her fame in war, her able statesmen, the multitude of her profound lawyers and theologians, her philosophers, her critics, her historians and antiquaries, her poets, and her orators sacred and profane ; I behold in all this something which awes and commands the imagination, which checks the mind on the brink of precipitate and indiscriminate censure, and which demands that we should very seriously examine, what and how great are the latent vices that could authorise us at once to level so spacious a fabric with the ground. I do not recognise, in this view of things, the despotism of Turkey. Nor do I discern the character of a government that has been, on the whole, so oppressive, or so corrupt, or so negligent, as to be utterly unfit *for all reformation*. I must think such a government well deserved to have its *excellencies heightened* ; its *faults corrected* ; and its *capacities improved* into a *British constitution*.

Whoever has examined into the proceedings of that *deposed government* for several years back, cannot fail to have observed, amidst the inconstancy and fluctuation natural to courts, an earnest endeavour towards the prosperity and improvement of the country : he must admit, that it had long been employed, in some instances, wholly to remove, in many considerably to correct, the abusive practices

Mr. Burke. practices and usages that had prevailed in the state; and that even the unlimited power of the sovereign over the persons of his subjects, inconsistent as undoubtedly it was with law and liberty, had yet been every day growing more mitigated in the exercise. So far from refusing itself to reformation, that government was open, with a censurable degree of facility, to all sorts of projects and projectors on the subject. Rather too much countenance was given to the spirit of innovation, which soon was turned against those who fostered it, and ended in their ruin. It is but cold, and no very flattering justice to that fallen monarchy, to say, that, for many years, it trespassed more by levity and want of judgment in several of its schemes, than from any defect in diligence or in public spirit. To compare the government of France for the last fifteen or sixteen years with wise and well-constituted establishments during that or during any period, is not to act with fairness. But if in point of prodigality in the expenditure of money, or in point of rigour in the exercise of power, it be compared with any of the former reigns, I believe candid judges will give little credit to the good intentions of those who dwell perpetually on the donations to favourites, or on the expences of the court, or on the horrors of the Bastile in the reign of Louis the Sixteenth*.

* The world is obliged to Mr. de Calonne for the pains he has taken to refute the scandalous exaggerations relative to some of the royal expences, and to detect the fallacious account given of pensions, for the wicked purpose of provoking the populace to all sorts of crimes.

Whether

Whether the system, if it deserves such a name, Mr. Burke. now built on the ruins of that ancient monarchy, will be able to give a better account of the population and wealth of the country, which it has taken under its care, is a matter very doubtful. Instead of improving by the change, I apprehend that a long series of years must be told before it can recover in any degree the effects of this philosophic revolution, and before the nation can be replaced on its former footing. If Dr. Price should think fit, a few years hence, to favour us with an estimate of the population of France, he will hardly be able to make up his tale of thirty millions of souls, as computed in 1789, or the assembly's computation of twenty-six millions of that year; or even Mr. Necker's twenty-five millions in 1780. I hear that there are considerable emigrations from France; and that many, quitting that voluptuous climate, and that seductive *Circean* liberty, have taken refuge in the frozen regions, and under the *British despotism*, of CANADA.

In the present disappearance of coin, no person could think it the same country, in which the present minister of the finances has been able to discover fourscore millions sterling in specie. From its general aspect one would conclude that it had been for some time past under the special direction of the learned academicians of Laputa and Balnibarbi*. Already the population of Paris has so declined, that Mr. Necker stated to the

* See Gulliver's Travels for the idea of countries governed by philosophers.

Mr. Burke. national assembly the provision to be made for its subsistence at a fifth less than what had formerly been found requisite *. It is said (and I have never heard it contradicted) that an hundred thousand people are out of employment in that city, though it is become the seat of the imprisoned court and national assembly. Nothing, I am credibly informed, can exceed the shocking and disgusting spectacle of mendicancy displayed in that capital. Indeed, the votes of the national assembly leave no doubt of the fact. They have lately appointed a standing committee of mendicancy. They are contriving at once a vigorous police on this subject, and, for the first time, the imposition of a tax to maintain the poor, for whose present relief great sums appear on the face of the public accounts of the year †. In the mean time, the
leaders

* Mr. de Calonne states the falling off of the population of Paris as far more considerable; and it may be so, since the period of Mr. Necker's calculation.

		Liv.	£.	s.	d.
† Travaux de charité pour subvenir au manque de travail à Paris et dans les provinces	— — — —	3,866,920	St ^{rs} 161,121	13	4
Destruction de vagabondage et de la mendicité	— — — —	1,671,417	— 69,642	7	6
Primes pour l'importation de grains	—	5,671,907	— 236,329	9	2
Dépenses relatives aux subsistances, deduction faite des recouvrements qui ont eu lieu		39,871,790	— 1,661,324	11	8
Total	— Liv.	51,082,034	St ^{rs} 2,128,418	1	8

When I sent this book to the press I entertained some doubt concerning the nature and extent of the last article in the above accounts, which is only under a general head, without any detail. Since then I have seen M. de Calonne's work. I must think it a great loss to me that I had not that advantage earlier.

leaders of the legislative clubs and coffee-houses are intoxicated with admiration at their own wisdom and ability. They speak with the most sovereign contempt of the rest of the world. They tell the people, to comfort them in the rags with which they have clothed them, that they are a nation of philosophers; and sometimes, by all the arts of quackish parade, by show, tumult, and bustle, sometimes by the alarms of plots and invasions, they attempt to drown the cries of indigence, and to divert the eyes of the observer from the ruin and wretchedness of the state. A brave people will certainly prefer liberty, accompanied with a virtuous poverty, to a depraved and wealthy servitude. But before the price of comfort and opulence is paid, one ought to be pretty sure it is real liberty which is purchased, and that she is to be purchased at no other price. I shall always, however, consider that liberty as very equivocal in her appearance, which has not wisdom and justice for her companions, and does not lead prosperity and plenty in her train.

Mr. Burke.

M. de Calonne thinks this article to be on account of general subsistence: but as he is not able to comprehend how so great a loss as upwards of £.1,661,000 sterling could be sustained on the difference between the price and the sale of grain, he seems to attribute this enormous head of charge to secret expences of the revolution. I cannot say any thing positively on that subject. The reader is capable of judging, by the aggregate of these immense charges, on the state and condition of France; and the system of public economy adopted in that nation. These articles of account produced no enquiry or discussion in the National Assembly.

The

Mr. Burke. The advocates for this REVOLUTION, not satisfied with exaggerating the vices of their ancient government, strike at the fame of their country itself, by painting almost all that could have attracted the attention of strangers, I mean their NOBILITY and their CLERGY, as objects of horror. If this were only a libel, there had not been much in it. But it has practical consequences. Had your nobility and gentry, who formed the great body of your landed men, and the whole of your military officers, resembled those of Germany, at the period when the Hanse towns were necessitated to confederate against the nobles in defence of their property—had they been like the *Orfini* and *Vitelli* in Italy, who used to sally from their fortified dens to rob the trader and traveller—had they been such as the *Mamelukes* in Egypt, or the *Nayres* on the coast of Malabar, I do admit, that too critical an enquiry might not be advisable into the means of freeing the world from such a nuisance. The statues of Equity and Mercy might be veiled for a moment. The tenderest minds, confounded with the dreadful exigence in which morality submits to the suspension of its own rules in favour of its own principles, might turn aside whilst fraud and violence were accomplishing the destruction of a pretended nobility which disgraced whilst it persecuted human nature. The persons most abhorrent from blood, and treason, and arbitrary confiscation, might remain silent spectators of this civil war between the vices.

But did the privileged nobility who met under
the

the king's precept at Versailles, in 1789, or their constituents, deserve to be looked on as the *Nayres* & *Mamelukes* of this age, or as the *Orfni* and *Vitelli* of ancient times? If I had then asked the question, I should have passed for a madman. What have they since done that they were to be driven into exile, that their persons should be hunted about, nangled, and tortured, their families dispersed, their houses laid in ashes, that their order should be abolished, and the memory of it, if possible, extinguished, by ordaining them to change the very names by which they were usually known? Read their instructions to their representatives. They breathe the spirit of liberty as warmly, and they recommend reformation as strongly, as any other order. Their privileges relative to contribution were voluntarily surrendered; as the king, from the beginning, surrendered all pretence to a right of taxation. Upon a free constitution there was but one opinion in France. The absolute monarchy was at an end. It breathed its last, without a groan, without struggle, without convulsion. All the struggle, all the dissension arose afterwards upon the preference of a despotic democracy to a government of reciprocal controul. The triumph of the victorious party was over the principles of a British constitution.

I have observed the affectation, which, for many years past, has prevailed in Paris even to a degree perfectly childish, of idolizing the memory of your Henry the Fourth. If any thing could put one out of humour with that ornament to the kingly character, it would be this overdone style of insidious

Mr. Burke.

Mr. Burke. dious panegyric. The persons who have worked this engine the most busily, are those who have ended their panegyrics in dethroning his successor and descendant ; a man, as good-natured at the least as Henry the Fourth ; altogether as fond of his people ; and who has done infinitely more to correct the ancient vices of the state than that great monarch did, or we are sure he ever meant to do. Well it is for his panegyrists that they have not him to deal with. For Henry of Navarre was a resolute, active, and politic prince. He possessed indeed great humanity and mildness ; but an humanity and mildness that never stood in the way of his interests. He never sought to be loved without putting himself first in a condition to be feared. He used soft language with determined conduct. He asserted and maintained his authority in the gross, and distributed his acts of concession only in the detail. He spent the income of his prerogatives nobly ; but he took care not to break in upon the capital ; never abandoning for a moment any of the claims, which he made under the fundamental laws, nor sparing to shed the blood of those who opposed him, often in the field, sometimes upon the scaffold. Because he knew how to make his virtues respected by the ungrateful, he has merited the praises of those whom, if they had lived in his time, he would have shut up in the Bastille, and brought to punishment along with the regicides whom he hanged after he had furnished Paris into a surrender.

If these panegyrists are in earnest in their admiration

nation of Henry the Fourth, they must remember, Mr. Burke.
 that they cannot think more highly of him, than he
 did of the noblesse of France ; whose virtue, ho-
 nour, courage, patriotifm, and loyalty were his
 constant theme.

But the nobility of France are degenerated fince
 the days of Henry the Fourth.—This is poffible.
 But it is more than I can believe to be true in any
 great degree. I do not pretend to know France as
 correctly as fome others ; but I have endeavoured
 through my whole life to make myfelf acquainted
 with human nature : otherwife I fhould be unfit to
 take even my humble part in the fervice of mankind.
 In that ftudy I could not pafs by a vaft portion of
 our nature, as it appeared modified in a country but
 twenty-four miles from the fhore of this ifland.
 On my beft obfervation, compared with my beft
 enquiries, I found your nobility for the greater
 part compofed of men of an high fpirit, and of a
 delicate fenfe of honour, both with regard to them-
 felves individually, and with regard to their whole
 corps, over whom they kept, beyond what is com-
 mon in other countries, a cenforial eye. They
 were tolerably well-bred ; very officious, humane,
 and hofpitable ; in their converfation frank and
 open ; with a good military tone ; and reafonably
 tinctured with literature, particularly of the authors
 in their own language. Many had pretenfions far
 above this defcription. I fpeak of thofe who were
 generally met with.

As to their behaviour to the inferior claffes, they
 appeared to me to comport themfelves towards
 C them

Mr. Burke

them with good-nature, and with something more nearly approaching to familiarity, than is generally practised with us in the intercourse between the higher and lower ranks of life. To strike any person, even in the most abject condition, was a thing in a manner unknown, and would be highly disgraceful. Instances of other ill-treatment of the humble part of the community were rare; and as to attacks made upon the property or the personal liberty of the commons, I never heard of any whatsoever from *them*; nor, whilst the laws were in vigour under the ancient government, would such tyranny in subjects have been permitted. As men of landed estates, I had no fault to find with their conduct, though much to reprehend, and much to wish changed, in many of the old tenures. Where the letting of their land was by rent, I could not discover that their agreements with their farmers were oppressive; nor when they were in partnership with the farmer, as often was the case, have I heard that they had taken the lion's share. The proportions seemed not inequitable. There might be exceptions; but certainly they were exceptions only. I have no reason to believe that in these respects the landed noblesse of France were worse than the landed gentry of this country; certainly in no respect more vexatious than the land-holders, not noble, of their own nation. In cities the nobility had no manner of power; in the country very little. You know, Sir, that much of the civil government, and the police in the most essential parts, was not in the hands of that nobility which presents itself

first to our consideration. The revenue, the system and collection of which were the most grievous parts of the French government, was not administered by the men of the sword; nor were they answerable for the vices of its principle, or the vexations, where any such existed, in its management.

Mr. Burke.

Denying, as I am well warranted to do, that the nobility had any considerable share in the oppression of the people, in cases in which real oppression existed, I am ready to admit that they were not without considerable faults and errors. A foolish imitation of the worst part of the manners of England, which impaired their natural character without substituting in its place what perhaps they meant to copy, has certainly rendered them worse than formerly they were. Habitual dissoluteness of manners continued beyond the pardonable period of life, was more common amongst them than it is with us; and it reigned with the less hope of remedy, though possibly with something of less mischief, by being covered with more exterior decorum. They countenanced too much that licentious philosophy which has helped to bring on their ruin. There was another error amongst them more fatal. Those of the commons, who approached to or exceeded many of the nobility in point of wealth, were not fully admitted to the rank and estimation which wealth, in reason and good policy, ought to bestow in every country; though I think not equally with that of other nobility. The two kinds of aristocracy were too punctiliously kept

Mr. Burke. afunder ; lefs fo, however, than in Germany and
 { some other nations.

This feparation, as I have already taken the liberty of fuggesting to you, I conceive to be one principal caufe of the deftruction of the old nobility. The military, particularly, was too exclu- fively referved for men of family. But after all, this was an error of opinion, which a conflicting opinion would have rectified. A permanent af- fembly, in which the commons had their fhare of power, would foon abolifh whatever was too in- vidious and infulting in thefe diftinctions ; and even the faults in the morals of the nobility would have been probably corrected by the greater varieties of occupation and purfuit to which a conftitution by orders would have given rife.

All this violent cry againft the nobility I take to be a mere work of art. To be honoured and even privileged by the laws, opinions, and inveterate ufages of our country, growing out of the preju- dice of ages, has nothing to provoke horror and indignation in any man. Even to be too tenacious of thofe privileges is not abfolutely a crime. The ftrong ftruggle in every individual to preferve pof- feffion of what he has found to belong to him and to diftinguifh him, is one of the fecurities againft injuftice and defpotifm implanted in our nature. It operates as an inftinct to fecure property, and to preferve communities in a fettled ftate. What is there to fhock in this ? Nobility is a graceful orna- ment to the civil order. It is the Corinthian capi- tal of polifhed fociety. *Omnes boni nobilitati femper favemus,*

feremus, was the saying of a wife and good man. Mr. Burke.

It is indeed one sign of a liberal and benevolent mind to incline to it with some sort of partial propensity. He feels no ennobling principle in his own heart who wishes to level all the artificial institutions which have been adopted for giving a body to opinion, and permanence to fugitive esteem. It is a sour, malignant, envious disposition, without taste for the reality, or for any image or representation of virtue, that sees with joy the unmerited fall of what had long flourished in splendour and in honour. I do not like to see any thing destroyed; any void produced in society; any ruin on the face of the land. It was therefore with no disappointment or dissatisfaction that my enquiries and observations did not present to me any incorrigible vices in the noblesse of France, or any abuse which could not be removed by a reform very short of abolition. Your noblesse did not deserve punishment; but to degrade is to punish.

It was with the same satisfaction I found that the result of my enquiry concerning your clergy was not dissimilar. It is no soothing news to my ears, that great bodies of men are incurably corrupt. It is not with much credulity I listen to any, when they speak evil of those whom they are going to plunder. I rather suspect that vices are feigned or exaggerated, when profit is looked for in their punishment. An enemy is a bad witness: a robber is a worse. Vices and abuses there were undoubtedly in that order, and must be. It was an old establishment, and not frequently revised. But I

Mr. Burke, saw no crimes in the individuals that merited confiscation of their substance, nor those cruel insults and degradations, and that unnatural persecution which have been substituted in the place of meliorating regulation.

If there had been any just cause for this new religious persecution, the atheistic libellers, who act as trumpeters to animate the populace to plunder, do not love any body so much as not to dwell with complacency on the vices of the existing clergy. This they have not done. They find themselves obliged to rake into the histories of former ages (which they have ransacked with a malignant and profligate industry), for every instance of oppression and persecution which has been made by that body or in its favour, in order to justify, upon very iniquitous, because very illogical principles of retaliation, their own persecutions, and their own cruelties. After destroying all other genealogies and family distinctions, they invent a sort of pedigree of crimes. It is not very just to chastise men for the offences of their natural ancestors; but to take the fiction of ancestry in a corporate succession, as a ground for punishing men who have no relation to guilty acts, except in names and general descriptions, is a sort of refinement in injustice belonging to the philosophy of this enlightened age. The assembly punishes men, many, if not most, of whom abhor the violent conduct of ecclesiastics in former times as much as their present persecutors can do, and who would be as loud and as strong in the expression of that sense, if they were not well aware

aware of the purposes for which all this declamation Mr. Burke
is employed. 

Corporate bodies are immortal for the good of the members, but not for their punishment. Nations themselves are such corporations. As well might we in England think of waging inexpiable war upon all Frenchmen for the evils which they have brought upon us in the several periods of our mutual hostilities. You might, on your part, think yourselves justified in falling upon all Englishmen on account of the unparalleled calamities brought upon the people of France by the unjust invasions of our Henries and our Edwards. Indeed we should be mutually justified in this exterminatory war upon each other, full as much as you are in the unprovoked persecution of your present countrymen, on account of the conduct of men of the same name in other times.

If your clergy, or any clergy, should shew themselves vicious beyond the fair bounds allowed to human infirmity, and to those professional faults which can hardly be separated from professional virtues, though their vices never can countenance the exercise of oppression, I do admit, that they would naturally have the effect of abating very much of our indignation against the tyrants who exceed measure and justice in their punishment. I can allow in clergymen, through all their divisions, some tenaciousness of their own opinion ; some overflowings of zeal for its propagation ; some predilection to their own state and office ; some attachment to the interest of their own corps ; some preference to

Mr. Burke those who listen with docility to their doctrines, beyond those who scorn and deride them. I allow all this, because I am a man who have to deal with men, and who would not, through a violence of toleration, run into the greatest of all intolerance. I must bear with infirmities until they fester into crimes.

Undoubtedly, the natural progress of the passions, from frailty to vice, ought to be prevented by a watchful eye and a firm hand. But is it true that the body of your clergy had passed those limits of a just allowance? From the general style of your late publications of all sorts, one would be led to believe that your clergy in France were a sort of monsters; an horrible composition of superstition, ignorance, sloth, fraud, avarice, and tyranny. But is this true? Is it true, that the lapse of time, the cessation of conflicting interests, the woeful experience of the evils resulting from party rage, have had no sort of influence gradually to meliorate their minds? Is it true, that they were daily renewing invasions on the civil power, troubling the domestic quiet of their country, and rendering the operations of its government feeble and precarious? Is it true, that the clergy of our times have pressed down the laity with an iron hand, and were, in all places, lighting up the fires of a savage persecution? Did they by every fraud endeavour to increase their estates? Did they use to exceed the due demands on estates that were their own? Or, rigidly screwing up right into wrong, did they convert a legal claim into a vexatious extortion? When not possessed of power,
were

were they filled with the vices of those who envy it? Mr. Burke
 Were they enflamed with a violent litigious spirit of controversy? Goaded on with the ambition of intellectual sovereignty, were they ready to fly in the face of all magistracy, to fire churches, to massacre the priests of other descriptions, to pull down altars, and to make their way over the ruins of subverted government to an empire of doctrine, sometimes flattering, sometimes forcing the consciences of men from the jurisdiction of public institutions into a submission to their personal authority, beginning with a claim of liberty and ending with an abuse of power?

These, or some of these, were the vices objected, and not wholly without foundation, to several of the churchmen of former times, who belonged to the two great parties which then divided and distracted Europe.

If there was in France, as in other countries there visibly is, a great abatement, rather than any increase of these vices, instead of loading the present clergy with the crimes of other men, and the odious character of other times, in common equity they ought to be praised, encouraged, and supported, in their departure from a spirit which disgraced their predecessors, and for having assumed a temper of mind and manners more suitable to their sacred function.

When my occasions took me into France, towards the close of the late reign, the clergy, under all their forms, engaged a considerable part of my curiosity. So far from finding (except from one
set

Mr. Burke.

set of men, not then very numerous, though very active) the complaints and discontents against the body, which some publications had given me reason to expect, I perceived little or no public or private uneasiness on their account. On further examination, I found the clergy in general, persons of moderate minds and decorous manners; I include the seculars, and the regulars of both sexes. I had not the good fortune to know a great many of the parochial clergy; but in general I received a perfectly good account of their morals, and of their attention to their duties. With some of the higher clergy I had a personal acquaintance: and of the rest in that class, very good means of information. They were, almost all of them, persons of noble birth. They resembled others of their own rank, and where there was any difference, it was in their favour. They were more fully educated than the military noblesse; so as by no means to disgrace their profession by ignorance, or by want of fitness for the exercise of their authority. They seemed to me, beyond the clerical character, liberal and open with the hearts of gentlemen, and men of honour; neither insolent nor servile in their manners and conduct. They seemed to me rather a superior class; a set of men, amongst whom you would not be surpris'd to find a *Fenelon*. I saw among the clergy in Paris (many of the description are not to be met with any where) men of great learning and candour; and I had reason to believe, that this description was not confined to Paris. What I found in other places, I know was accidental; and therefore

fore to be presumed a fair sample. I spent a few Mr. Burke.
 days in a provincial town, where, in the absence of
 the bishop, I passed my evenings with three clergy-
 men, his vicars general, persons who would have
 done honour to any church. They were all well-
 informed; two of them of deep, general, and ex-
 tensive erudition, ancient and modern, oriental and
 western; particularly in their own profession.
 They had a more extensive knowledge of our Eng-
 lish divines than I expected; and they entered into
 the genius of those writers with a critical accuracy.
 One of these gentlemen is since dead, the Abbé
Merangis. I pay this tribute, without reluctance,
 to the memory of that noble, reverend, learned,
 and excellent person; and I should do the same,
 with equal cheerfulness, to the merits of the others,
 who I believe are still living, if I did not fear to
 hurt those whom I am unable to serve.

Some of these ecclesiastics of rank are, by all
 titles, persons deserving of general respect. They
 are deserving of gratitude from me, and from many
 English. If this letter should ever come into their
 hands, I hope they will believe there are those of
 our nation who feel for their unmerited fall, and
 for the cruel confiscation of their fortunes, with
 no common sensibility. What I say of them
 is a testimony, as far as one feeble voice can go,
 which I owe to truth. Whenever the question of
 this unnatural persecution is concerned, I will pay
 it. No one shall prevent me from being just and
 grateful. The time is fitted for the duty; and it is
 particularly becoming to shew our justice and gra-
 titude,

Mr. Burke.

titude, when those who have deserved well of us and of mankind are labouring under popular obloquy and the persecutions of oppressive power.

You had before your revolution about an hundred and twenty bishops. A few of them were men of eminent sanctity, and charity without limit. When we talk of the heroic, of course we talk of rare, virtue. I believe the instances of eminent depravity may be as rare amongst them as those of transcendent goodness. Examples of avarice and of licentiousness may be picked out, I do not question it, by those who delight in the investigation which leads to such discoveries. A man, as old as I am, will not be astonished that several, in every description, do not lead that perfect life of self-denial, with regard to wealth or to pleasure, which is wished for by all, by some expected, but by none exacted with more rigour than by those who are the most attentive to their own interests, or the most indulgent to their own passions. When I was in France, I am certain that the number of vicious prelates was not great. Certain individuals among them not distinguishable for the regularity of their lives, made some amends for their want of the severe virtues, in their possession of the liberal ; and were endowed with qualities which made them useful in the church and state. I am told that, with few exceptions, Louis the Sixteenth had been more attentive to character, in his promotions to that rank, than his immediate predecessor ; and I believe (as some spirit of reform has prevailed through the whole reign) that it may be true.

According

According to their invariable course, the framers of the new constitution have begun with the utter abolition of the parliaments.—These venerable bodies, like the rest of the old government, stood in need of reform, even though there should be no change made in the monarchy.—They required several more alterations to adapt them to the system of a free constitution.—But they had particulars in their constitution, and those not a few, which deserved approbation from the wise.—They possessed one fundamental excellence; they were independent.—The most doubtful circumstance attendant on their office, that of its being vendible, contributed however to this independency of character. They held for life. Indeed they may be said to have held by inheritance. Appointed by the monarch, they were considered as nearly out of his power. The most determined exertions of that authority against them only shewed their radical independence. They composed permanent bodies politic, constituted to resist arbitrary innovation; and from that corporate constitution, and from most of their forms, they were well calculated to afford both certainty and stability to the laws. They had been a safe asylum to secure these laws in all the revolutions of humour and opinion. They had saved that sacred deposit of the country during the reigns of arbitrary princes, and the struggles of arbitrary factions. They kept alive the memory and record of the constitution. They were the great security to private property; which might be said (when personal liberty had no existence) to be, in fact, as well

Mr. Burke.

Mr. Burke. well guarded in France as in any other country. Whatever is supreme in a state ought to have, as much as possible, its judicial authority so constituted as not only not to depend upon it, but in some sort to balance it. It ought to give a security to its justice against its power. It ought to make its judicature, as it were, something exterior to the state.

These parliaments had furnished, not the best certainly, but some considerable corrective to the excesses and vices of the monarchy. Such an independent judicature was ten times more necessary when a democracy became the absolute power of the country.

If the parliaments had been preserved, instead of being dissolved at so ruinous a change to the nation, they might have served in this new commonwealth, perhaps not precisely the same (I do not mean an exact parallel), but near the same purposes as the court and senate of Areopagus did in Athens; that is, as one of the balances and correctives to the evils of a light and unjust democracy. Every one knows, that this tribunal was the great stay of that state; every one knows with what care it was upheld, and with what a religious awe it was consecrated. The parliaments were not wholly free from faction, I admit; but this evil was exterior and accidental, and not so much the vice of their constitution itself, as it must be in your new contrivance of sexennial elective judicatories. Several English commend the abolition of the old tribunals, as supposing that they deter-
mined

mined every thing by bribery and corruption. Mr. Burke.
 But they have stood the test of monarchic and republican scrutiny. The court was well disposed to prove corruption on those bodies when they were dissolved in 1771. Those who have again dissolved them would have done the same if they could ; but both requisitions having failed, I conclude, that gross pecuniary corruption must have been rather rare amongst them.

When men are encouraged to go into a certain mode of life by the existing laws, and protected in that mode as in a lawful occupation—when they have accommodated all their ideas, and all their habits to it—when the law had long made their adherence to its rules a ground of reputation, and their departure from them a ground of disgrace and even of penalty—I am sure it is unjust in legislature, by an arbitrary act, to offer a sudden violence to their minds and their feelings ; forcibly to degrade them from their state and condition, and to stigmatize with shame and infamy that character and those customs which before had been made the measure of their happiness and honour. If to this be added an expulsion from their habitations, and a confiscation of all their goods, I am not sagacious enough to discover how this despotic sport, made of the feelings, consciences, prejudices, and properties of men, can be discriminated from the rankest tyranny.

If the injustice of the course pursued in France be clear, the policy of the measure, that is, the public

Mr. Burke. public benefit to be expected from it, ought to be at least as evident, and at least as important. To a man who acts under the influence of no passion, who has nothing in view in his projects but the public good, a great difference will immediately strike him, between what policy would dictate on the original introduction of such institutions, and on a question of their total abolition, where they have cast their roots wide and deep, and where by long habit things more valuable than themselves are so adapted to them, and in a manner interwoven with them, that the one cannot be destroyed without notably impairing the other. He might be embarrassed, if the case were really such as sophisters represent it in their paltry style of debating. But in this, as in most questions of state, there is a middle. There is something else than the mere alternative of absolute destruction, or unreformed existence. *Spartam natius es; banc exorna.* This is, in my opinion, a rule of profound sense, and ought never to depart from the mind of an honest reformer. I cannot conceive how any man can have brought himself to that pitch of presumption, to consider his country as nothing but *carte blanche*, upon which he may scribble whatever he pleases. A man full of warm speculative benevolence may wish his society otherwise constituted than he finds it; but a good patriot, and a true politician, always considers how he shall make the most of the existing materials of his country. A disposition to preserve, and an ability to improve, taken together, would
be

be my standard of a statesman. Every thing else Mr. Burke.
 is vulgar in the conception, perilous in the execution.

There are moments in the fortune of states, when particular men are called to make improvements by great mental exertion. In those moments, even when they seem to enjoy the confidence of their prince and country, and to be invested with full authority, they have not always apt instruments. A politician, to do great things, looks for a *power*, what our workmen call a *purchase*; and if he finds that power, in politics as in mechanics, he cannot be at a loss to apply it. In the monastic institutions, in my opinion, was found a great *power* for the mechanism of politic benevolence. There were revenues with a public direction; there were men wholly set apart and dedicated to public purposes, without any other than public ties and public principles; men without the possibility of converting the estate of the community into a private fortune; men denied to self-interests, whose avarice is for some community; men to whom personal poverty is honour, and implicit obedience stands in the place of freedom. In vain shall a man look to the possibility of making such things when he wants them. The winds blow as they list. These institutions are the products of enthusiasm; they are the instruments of wisdom. Wisdom cannot create materials; they are the gifts of nature or of chance; her pride is in the use. The perennial existence of bodies corporate and their fortunes, are things particularly

D

Mr. Burke.

particularly suited to a man who has long views ; who meditates designs that require time in fashioning, and which propose duration when they are accomplished. He is not deserving to rank high, or even to be mentioned in the order of great statesmen, who, having obtained the command and direction of such a power as existed in the wealth, the discipline, and the habits of such corporations as those which you have rashly destroyed, cannot find any way of converting it to the great and lasting benefit of his country. On the view of this subject a thousand uses suggest themselves to a contriving mind. To destroy any power, growing wild from the rank productive force of the human mind, is almost tantamount, in the moral world, to the destruction of the apparently active properties of bodies in the material. It would be like the attempt to destroy (if it were in our competence to destroy) the expansive force of fixed air in nitre, or the power of steam, or of electricity, or of magnetism. These energies always existed in nature, and they were always discernible. They seemed, some of them unserviceable, some noxious, some no better than a sport to children ; until contemplative ability, combining with practic skill, tamed their wild nature, subdued them to use, and rendered them at once the most powerful and the most tractable agents, in subservience to the great views and designs of men. Did fifty thousand persons, whose mental and whose bodily labour you might direct, and so many hundred thousand a year of a revenue, which was neither
lazy

lazy nor superstitious, appear too big for your abilities to wield? Had you no way of using the men, but by converting monks into pensioners? Had you no way of turning the revenue to account, but through the improvident resource of a spendthrift sale? If you were thus destitute of mental funds, the proceeding is in its natural course. Your politicians do not understand their trade; and therefore they sell their tools.

Mr. Burke.

But the institutions favoured of superstition in their very principle; and they nourished it by a permanent and standing influence. This I do not mean to dispute; but this ought not to hinder you from deriving from superstition itself, any resources which may thence be furnished for the public advantage. You derive benefits from many dispositions and many passions of the human mind, which are of as doubtful a colour in the moral eye, as superstition itself. It was your business to correct and mitigate every thing which was noxious in this passion, as in all the passions. But is superstition the greatest of all possible vices? In its possible excess I think it becomes a very great evil. It is, however, a moral subject; and of course admits of all degrees and all modifications. Superstition is the religion of feeble minds; and they must be tolerated in an intermixture of it, in some trifling or some enthusiastic shape or other, else you will deprive weak minds of a resource found necessary to the strongest. The body of all true religion consists, to be sure, in obedience to the will of the Sovereign of the world;

Mr. Burke. in a confidence in his declarations, and an imitation of his perfections. The rest is our own. It may be prejudicial to the great end ; it may be auxiliary. Wise men, who as such are not *admirers* (not admirers at least of the *Munera Terræ*), are not violently attached to these things, nor do they violently hate them. Wisdom is not the most severe corrector of folly. They are the rival follies, which mutually wage so unrelenting a war ; and which make so cruel a use of their advantages, as they can happen to engage the immoderate vulgar on the one side or the other in their quarrels. Prudence would be neuter ; but if, in the contention between fond attachment and fierce antipathy concerning things in their nature not made to produce such heats, a prudent man were obliged to make a choice of what errors and excesses of enthusiasm he would condemn or bear, perhaps he would think the superstition which builds, to be more tolerable than that which demolishes—that which adorns a country, than that which deforms it—that which endows, than that which plunders—that which disposes to mistaken beneficence, than that which stimulates to real injustice—that which leads a man to refuse to himself lawful pleasures, than that which snatches from others the scanty subsistence of their self-denial. Such, I think, is very nearly the state of the question between the ancient founders of monkish superstition, and the superstition of the pretended philosophers of the hour.

You might, if you pleased, have given to your
recovered

recovered freedom a correspondent dignity. Your privileges, though discontinued, were not lost to memory. Your constitution, it is true, whilst you were out of possession, suffered waste and dilapidation; but you possessed in some parts the walls, and in all the foundations of a noble and venerable castle. You might have repaired those walls; you might have built on those old foundations. Your constitution was suspended before it was perfected; but you had the elements of a constitution very nearly as good as could be wished. In your old states you possessed that variety of parts corresponding with the various descriptions of which your community was happily composed; you had all that combination, and all that opposition of interests, you had that action and counteraction which, in the natural and in the political world, from the reciprocal struggle of discordant powers, draw out the harmony of the universe. These opposed and conflicting interests, which you considered as so great a blemish in your old and in our present constitution, interpose a salutary check to all precipitate resolutions. They render deliberation a matter not of choice, but of necessity; they make all change a subject of *compromise*, which naturally begets moderation; they produce *temperaments*, preventing the fore evil of harsh, crude, unqualified reformations; and rendering all the headlong exertions of arbitrary power, in the few or in the many, for ever impracticable. Through that diversity of members and interests, general liberty had as many

Mr. Burke.

Mr. Burke. securities as there were separate views in the several orders ; whilst by pressing down the whole by the weight of a real monarchy, the separate parts would have been prevented from warping and starting from their allotted places.

You had all these advantages in your ancient states ; but you chose to act as if you had never been moulded into civil society, and had every thing to begin anew. You began ill, because you began by despising every thing that belonged to you. You set up your trade without a capital. If the last generations of your country appeared without much lustre in your eyes, you might have passed them by, and derived your claims from a more early race of ancestors. Under a pious predilection for those ancestors, your imaginations would have realized in them a standard of virtue and wisdom, beyond the vulgar practice of the hour ; and you would have risen with the example to whose imitation you aspired. Respecting your forefathers, you would have been taught to respect yourselves. You would not have chosen to consider the French as a people of yesterday, as a nation of low-born servile wretches until the emancipating year of 1789. In order to furnish, at the expence of your honour, an excuse to your apologists here for several enormities of yours, you would not have been content to be represented as a gang of Maroon slaves, suddenly broke loose from the house of bondage, and therefore to be pardoned for your abuse of the liberty to which you were not ac-

customed and ill fitted. Would it not, my worthy friend, have been wiser, to have you thought, what I, for one, always thought you, a generous and gallant nation, long misled to your disadvantage by your high and romantic sentiments of fidelity, honour, and loyalty ; that events had been unfavourable to you, but that you were not enslaved through any illiberal or servile disposition ; that in your most devoted submission, you were actuated by a principle of public spirit, and that it was your country you worshipped in the person of your king ? Had you made it to be understood, that in the delusion of this amiable error you had gone further than your wise ancestors ; that you were resolved to resume your ancient privileges, whilst you preserved the spirit of your ancient and your recent loyalty and honour ; or if, diffident of yourselves, and not clearly discerning the almost obliterated constitution of your ancestors, you had looked to your neighbours in this land, who had kept alive the ancient principles and models of the old common law of Europe meliorated and adapted to its present state — by following wise examples you would have given new examples of wisdom to the world. You would have rendered the cause of liberty venerable in the eyes of every worthy mind in every nation. You would have shamed despotism from the earth, by shewing that freedom was not only reconcileable, but, as when well disciplined it is, auxiliary to law. You would have had an unoppressive, but a productive revenue. You would

Mr. Burke.

Mr. Burke.

have had a flourishing commerce to feed it. You would have had a free constitution ; a potent monarchy ; a disciplined army ; a reformed and venerated clergy ; a mitigated but spirited nobility, to lead your virtue, not to overlay it ; you would have had a liberal order of commons, to emulate and to recruit that nobility ; you would have had a protected, satisfied, laborious, and obedient people, taught to seek and to recognize the happiness that is to be found by virtue in all conditions ; in which consists the true moral equality of mankind, and not in that monstrous fiction, which, by inspiring false ideas and vain expectations into men destined to travel in the obscure walk of laborious life, serves only to aggravate and embitter that real inequality which it never can remove, and which the order of civil life establishes as much for the benefit of those whom it must leave in an humble state, as those whom it is able to exalt to a condition more splendid, but not more happy. You had a smooth and easy career of felicity and glory laid open to you, beyond any thing recorded in the history of the world ; but you have shewn that difficulty is good for man,

MR.

MR. MACKINTOSH.

IT is asserted in many passages of Mr. Burke's work, though no where with that precision which the importance of the assertion demanded, that the *French Revolution* was not only in its parts reprehensible, but in the whole was absurd, inexpedient, and unjust ; yet he has no where exactly informed us what he understands by the term. The French revolution, in its most popular sense, perhaps would be understood in England to consist of those splendid events that formed the prominent portion of its exterior, the Parisian revolt, the capture of the Bastille, and the submission of the king. But these memorable events, though they strengthened and accelerated, could not constitute a political revolution. It must have been a change of government ; but even limited to that meaning, it is equivocal and wide.

The Vindiciæ Gallicæ of Mr. Mackintosh.

It is capable of *three* senses. The king's recognition of the rights of the states-general to a share in the legislation, was a change in the actual government of France, where the whole legislative and executive power had, without the shadow of interruption, for nearly two centuries been enjoyed by the crown ; in that sense the meeting of the states-general was the revolution, and the 5th of May was its æra. The union of the three orders in one assembly was a most important change in the forms and spirit of the legislature. This too may be called the

Mr. Mack-
intosh.

the revolution, and the 23d of June will be its æra. This body, thus united, are forming a new constitution. This may be also called a revolution, because it is of all the political changes the most important, and its epoch will be determined by the conclusion of the labours of the national assembly.

Thus equivocal is the import of Mr. Burke's expressions. To extricate them from this ambiguity, a rapid survey of these events will be necessary. It will prove too the fairest and most forcible confutation of his arguments. It will best demonstrate the necessity and justice of all the successive changes in the state of France, which formed the mixed mass called the revolution. It will discriminate legislative acts from popular excesses, and distinguish transient confusion from permanent establishment. It will evince the futility and fallacy of attributing to the conspiracy of individuals, or bodies, a revolution which, whether it be beneficial or injurious, was produced only by general causes, where the most conspicuous individual produced little real effect.

The constitution of France resembled, in the earlier stages of its progress, the other Gothic governments of Europe. The history of its decline, and the causes of its extinction, are abundantly known. Its infancy and youth were like those of the English government. The *Champ de Mars*, and the *Wittenagemot*, the tumultuous assemblies of rude conquerors, were in both countries melted down

down into representative bodies. But the down-
 fall of the feudal aristocracy happening in France
 before commerce had elevated any other class of
 citizens into importance, its power devolved on the
 crown. From the conclusion of the fifteenth cen-
 tury, the powers of the states-general had almost
 dwindled into formalities. Their momentary re-
 appearance under Henry III. and Louis XIII.
 served only to illustrate their insignificance. Their
 total disuse speedily succeeded.

Mr. Mack-
 intoh.

The intrusion of any popular voice was not likely
 to be tolerated in the reign of Louis XIV. a reign
 which has been so often celebrated as the zenith
 of warlike and literary splendour, but which has
 always appeared to me to be the consummation of
 whatever is afflicting and degrading in the history
 of the human race.

But the despotism of this reign was pregnant
 with the great events which have signalized our
 age. It fostered that literature which was one day
 destined to destroy it. Its profligate conquests
 have eventually proved the acquisitions of hu-
 manity; and the usurpations of Louis XIV. have
 served only to add a larger portion to the great
 body of freemen. The spirit of its policy was in-
 herited by the succeeding reign. The rage of
 conquest, repressed for a while by the torpid des-
 potism of Fleury, burst forth with renovated vio-
 lence in the latter part of the reign of Louis XV.
 France, exhausted alike by the misfortunes of one
 war and the victories of another, groaned under a
 weight

Mr. Mack-
intosh.

weight of impost and debt, which it was equally difficult to remedy or to endure. The profligate expedients were exhausted by which successive ministers had attempted to avert the great crisis, in which the credit and power of the government must perish.—The inferiority of the revenue to the expenditure at length rose to the enormous sum of 115 millions of livres, or about 4,750,000*l.* annually.

In this exigency there was no expedient left, but to guarantee the ruined credit of bankrupt despotism by the sanction of the national voice. The states-general were a dangerous mode of collecting it. Recourse was therefore had to the assembly of the *notables*, a mode well known in the history of France, in which the king summoned a number of individuals, selected, at *his* discretion, from the mass, to advise him in great emergencies. They were little better than a popular privy council. They were neither recognized nor protected by law. Their precarious and subordinate existence hung on the nod of despotism.

They were called together by M. Calonne, who has now the inconsistent arrogance to boast of the schemes which he laid before them, as the model of the assembly whom he traduces. He proposed, it is true, the equalization of impost, and the abolition of the pecuniary exemptions of the nobility and clergy; and the difference between his system and that of the assembly, is only in what makes
the

the sole distinction in human actions—*its end*. *He* Mr. Mack-
intosh.
would have destroyed the privileged orders, as obstacles to despotism. *They* have destroyed them, as derogations from freedom. The object of *his* plans was to facilitate *fiscal* oppression. The motive of *theirs* is to fortify general liberty. *They* have levelled all Frenchmen as men—*he* would have levelled them all as slaves.

The assembly of the notables, however, soon gave a memorable proof, how dangerous are all public meetings of men, even without legal powers of controul, to the permanence of despotism. They had been assembled by M. Calonne to admire the plausibility and splendour of his speculations, and to veil the extent and atrocity of his rapine. Detested by the nobles and clergy, of whose privileges he had suggested the abolition; undermined in the favour of the queen, by his attack on one of her favourites (*Breteuil*); exposed to the fury of the people, and dreading the terrors of judicial prosecution, he speedily sought refuge in England, without the recollection of one virtue, or the applause of one party, to console his retreat.

Thus did the notables destroy their creator. The succeeding ministers, uninstructed by the example of their predecessors, by the destruction of public credit, and the fermentation of the popular mind, hazarded measures of a still more preposterous and perilous description. The usurpation of some share in the sovereignty by the parliament of Paris, had become popular and venerable, because
its

Mr. Mack-
intosh.

its tendency was useful, and its exercise virtuous.—

That body had, as it is well known, claimed a right, which, in fact, amounted to a negative on all the acts of the king. They contended, that their registering his edicts was necessary to give them force. They would, in that case, have possessed the same share of legislation with the king of England.

It is unnecessary to descant on the historical fallacy and political inexpediency of doctrines which would vest in a narrow aristocracy of lawyers, who had bought their places, such extensive powers. It cannot be denied that their resistance had often proved salutary, and was some feeble check on the capricious wantonness of despotic exaction.—But the temerity of the minister now assigned them a more important part. They refused to register two edicts for the creation of imposts. They averred, that the power of imposing taxes was vested only in the national representatives, and they claimed the immediate convocation of the states-general of the kingdom. The minister banished them to Troyes. But he soon found how much the French were changed from that abject and frivolous people, which had so often endured the exile of its magistrates. Paris exhibited the tumult and clamour of a London mob.

The cabinet, which could neither advance nor recede with safety, had recourse to the expedient of a compulsory registration. The Duke of Orleans, and the magistrates who protested against

this execrable mockery, were exiled or imprisoned. ^{Mr. Mack-}
 But all these hackneyed expedients of despotism ^{intosh.}
 were in vain. These struggles, which merit notice only as they illustrate the progressive energy of public opinion, were followed by events still less equivocal. *Lettres de cachet* were issued against *M. M. d'Epresmenil & Goëstard*. They took refuge in the sanctuary of justice, and the parliament pronounced them under the safeguard of the law and the king. A deputation was sent to Versailles, to intreat his majesty to listen to sage counsels. Paris expected, with impatient solicitude, the result of this deputation; when towards midnight, a body of 2000 troops marched to the palace where the parliament were seated, and their commander, entering into the court of peers, demanded his victims. A loud and unanimous acclamation replied, "We are all *d'Epresmenil & Goëstard*!" These magistrates surrendered themselves, and the satellite of despotism led them off in triumph, amid the execrations of an aroused and indignant people.

These *spectacles* were not without their effect. The spirit of resistance spread daily over France. The intermediate commission of the states of Bretagne, the states of Dauphiné, and many other public bodies, began to assume a new and menacing tone. The cabinet dissolved in its own feebleness, and M. Neckar was recalled. That minister, probably upright, and not illiberal, but narrow, pusillanimous, and entangled by the habits of detail
 in

Mr. Mack-
intosh.

in which he had been reared, possessed not that erect and intrepid spirit, those enlarged and original views, which adapt themselves to new combinations of circumstances, and sway in the great convulsions of human affairs. He seemed superior to his privacy while he was limited to it, and would have been adjudged by history equal to his elevation had he never been elevated.

But had the character of M. Neckar possessed more originality or decision, it could have had little influence on the fate of France. The minds of men had received an impulse. Individual aid and individual opposition were equally vain. His views, no doubt, extended only to palliation; but he was involved in a stream of opinions and events, of which no force could resist the current, and no wisdom adequately predict the termination.

The autumn of 1788 was peculiarly distinguished by the enlightened and disinterested patriotism of the states of Dauphiné. They furnished, in many respects, a model for the future senate of France. Like them, they deliberated amidst the terrors of ministerial vengeance and military execution. They annihilated the absurd and destructive distinction of orders; the three estates were melted into a provincial assembly; and they declared, that the right of imposing taxes resided ultimately in the states-general of France. They voted a deputation to the king, to solicit the convocation of that assembly. They were emulously imitated by all the provinces that still re-
tained

tained the shadow of provincial states. The states of Languedoc, of Velay, and Vivarois, the tiers état of Provence, and all the municipalities of Bretagne, adopted similar resolutions. In Provence and Bretagne, where the nobles and clergy, trembling for their privileges, and the parliaments for their jurisdiction, attempted a feeble resistance, the fermentation was peculiarly strong.

Mr. Mackintosh.

The return of M. Neckar, and the recall of the exiled magistrates, restored a momentary calm. The personal reputation of the minister for probity re-animated the credit of France. But the finances were too irremediably embarrassed for palliatives; and the fascinating idea of the states-general, presented to the public imagination by the unwary zeal of the parliament, awakened recollections of ancient freedom, and prospects of future splendour, which the virtue or popularity of no minister could banish: the convocation of that body was resolved—but many difficulties respecting the mode of electing and constituting it remained, which a second assembly of notables was summoned to decide.

The third estate demanded representatives equal to those of the other two orders jointly. They required that the number should be regulated by the population of the districts, and that the three orders should vote in one assembly. All the committees into which the notables were divided, except that of which MONSIEUR was president, decided against the third estate in every one of

E

these

Mr. Mack-
intosh.

these particulars. They were strenuously supported by the parliament of Paris, who, too late sensible of the suicide into which they had been betrayed, laboured to render the assembly impotent, when they were unable to prevent its meeting. But their efforts were in vain. M. Neckar, whether actuated by respect for justice, or ambition of popularity, or yielding to the irresistible torrent of public sentiment, advised the king to adopt the propositions of the *third estate* in the two first particulars, and to leave the last to be decided by the states-general themselves.

Letters patent were accordingly issued on the 24th of January, 1789, for assembling the states-general, to which were annexed regulations for the detail of their elections. The clergy and nobility ought not to be denied the praise of having emulously sacrificed their pecuniary privileges. The instructions to the representatives breathed every where a spirit of freedom as ardent, though not so liberal and enlightened, as that which has since presided in the deliberations of the national assembly. Paris was eminently conspicuous. The union of talent, the rapid communication of thought, and the frequency of those numerous assemblies, where men learn their force, and compare their wrongs, ever make a great capital the heart that circulates emotion and opinion to the extremities of an empire. No sooner had the convocation of the states-general been announced, than the batteries of the press were opened. Pam-
phlet

phlet succeeded pamphlet, surpassing each other in boldness and elevation ; and the advance of Paris to light and freedom was greater in three months than it had been in almost as many centuries.

Mr. Mack-
intosh.

It was amid this rapid diffusion of light, and increasing fervor of public sentiment, that the states-general of France assembled at Versailles on the 5th of May, 1789 ; a day which will probably be accounted by posterity one of the most memorable in the annals of the human race.

The preliminary operation necessary to constitute the assembly gave rise to the first great question—The mode of authenticating the commissions of the deputies. It was contended by the clergy and nobles, that, according to ancient usage, each order should separately scrutinize and authenticate the commissions of its own deputies. It was argued by the commons, that, on general principles, all orders, having an equal interest in the purity of the national representative, had an equal right to take cognizance of the authenticity of the commissions of all the members who compose it, and therefore to scrutinize them in common. To the authority of precedent it was answered, that it would establish too much ; for in the ancient states, their examination of powers was subordinate to the revision of royal commissaries, a subjection too degrading and injurious for the free and vigilant spirit of an enlightened age. This controversy involved another of more magnitude and importance. If the orders united in this scrutiny, they were likely to continue

Mr. Mack-
intosh.

in one assembly ; the separate voices of the two first orders would be annihilated, and the importance of the nobility and clergy reduced to that of their individual suffrages.

This great revolution was obviously meditated by the leaders of the commons. They were seconded in the chamber of the noblesse by a minority eminently distinguished for rank, character, and talent. The obscure and useful portion of the clergy were, from their situation, accessible to popular sentiment, and naturally coalesced with the commons. Many who favoured the *division* of the legislature in the ordinary arrangements of government, were convinced that the grand and radical reforms which the situation of France demanded, could only be effected by its union as one assembly*. So many prejudices were to be vanquished, so many difficulties to be surmounted, such obstinate habits to be extirpated, and so formidable a power to be

* “ Il n'est pas douteux que pour aujourd'hui, que pour cette première tenue une CHAMBRE UNIQUE n'ait été préférable & peut-être nécessaire. Il y avait tant de difficultés à surmonter, tant de préjugés à vaincre, tant de sacrifices à faire, de si vieilles habitudes à déraciner, une puissance si forte à contenir, en un mot, tant à détruire & presque tout à créer.” — “ Ce nouvel ordre de choses que vous avez fait éclore, tout cela, vous en êtes bien sûrs, n'a jamais pu naître que de la réunion de toutes les personnes, de tous les sentimens, & de tous les cœurs.” — *Discours de M. Lally Tolendahl à l'Assemblée Nationale, 31 Aout, 1789, dans ses Pièces Justificatives, p. 105—6.* This passage is in more than one respect remarkable. It fully evinces the conviction of the author, that changes were necessary great enough to deserve the name of a REVOLUTION; and, considering the respect of Mr. BURKE for his authority, ought to have weight with him.

resisted,

resisted, that there was an obvious necessity to concentrate the force of the reforming body. In a great revolution every expedient ought to facilitate change. In an established government every thing ought to render it difficult. Hence the division of a legislature, which in an established government may give a beneficial stability to the laws, must, in a moment of revolution, be proportionably injurious, by fortifying abuse and unnerving reform. In a revolution the enemies of freedom are external, and all powers are therefore to be united. Under an establishment her enemies are internal, and power is therefore to be divided.

Mr. Mack
intoth.

But besides this general consideration, the state of France furnished others of more local and temporary cogency. The states-general, acting by separate orders, were a body from which no substantial reform could be hoped. The two first orders were interested in the perpetuity of every abuse that was to be reformed. Their possession of two equal and independent voices must have rendered the exertions of the commons impotent and nugatory, and a collusion between the assembly and the crown would probably have limited its illusive reforms to some sorry palliatives, the *price* of financial disembarassment. The state of a nation lulled into complacent servitude by such petty concessions, is far more hopeless than the state of those who groan under the most galling yoke of despotism, and the condition of France would have been more irremediable than ever. Such reasonings produced an

Mr. Mack-
intosh.

universal conviction, that the question, whether the states-general were to vote individually, or in orders, was a question, whether they were or were not to produce any important benefit. Guided by these views, and animated by public support, the commons adhered inflexibly to their principle of incorporating the three orders. They adopted a *provisory* organization, but studiously declined whatever might seem to suppose legal existence, or to arrogate constitutional powers. The nobles, less politic or timid, declared themselves a legally constituted order, and proceeded to discuss the great objects of their convocation. The clergy affected to preserve a mediatorial character, and to conciliate the discordant claims of the two hostile orders. The commons, faithful to their system, remained in a wise and masterly inactivity, which tacitly reproached the arrogant assumption of the nobles, while it left no pretext to calumniate their own conduct; gave time for the increase of popular fervor, and distressed the court by the delay of financial aid. Several conciliatory plans were proposed by the minister, and rejected by the haughtiness of the nobility and the policy of the commons.

Thus passed the period between the 5th of May and the 12th of June, when the popular leaders, animated by public support, and conscious of the maturity of their schemes, assumed a more resolute tone.

The third estate commenced the scrutiny of commissions, summoned the nobles and clergy to repair

to

to the hall of the states-general, and resolved that the absence of the deputies of some districts and classes of citizens could not preclude them, who formed the representatives of ninety-six hundred parts of the nation, from constituting themselves into a national assembly.

Mr. Mack.
intoh.

These decisive measures betrayed the designs of the court, and fully illustrated that bounty and liberality for which Lewis XVI. has been so idly celebrated. That feeble prince, whose public character varied with every fluctuation in his cabinet, the instrument, alike of the ambition of Vergennes, the prodigality of Calonne, and the ostentatious popularity of Neckar, had hitherto yielded to the embarrassment of the finances, and the clamour of the people. The cabal that retained its ascendant over his mind, permitted concessions which they hoped to make vain, and flattered themselves with frustrating, by the contest of struggling orders, all idea of substantial reform. No sooner did the assembly betray any symptom of activity and vigour, than their alarms became conspicuous in the royal conduct. The comte d'Artois, and the other princes of the blood, published the boldest manifestoes against the assembly; the credit of M. Neckar at court declined every day; the royalists in the chamber of the noblesse spoke of nothing less than an impeachment of the commons for high treason, and an immediate dissolution of the states; a vast military force and a tremendous artillery were collected from all parts of the kingdom to-

Mr. Mack-
intosh.

wards Versailles and Paris, and under these menacing and inauspicious circumstances, the meeting of the states-general was prohibited by the king's order till a royal session, which was destined for the 22d, but held on the 23d of June. The commons, on repairing to their hall on the 20th, found it invested with foldiers, and themselves excluded from it by the point of the bayonet. They were summoned by their president to a *tennis-court*, where they were reduced to hold their assembly, and which they rendered famous as the scene of their unanimous and memorable oath, never to separate till they had achieved the regeneration of France.

The ROYAL SESSION thus announced, corresponded with the new tone of the court. Its exterior was marked by the gloomy and ferocious haughtiness of despotism. The royal puppet was now evidently moved by different persons from those who had prompted *its* speech at the opening of the states.

This speech was distinguished by insulting condescension and ostentatious menace. He spoke not as the chief of a free nation to its sovereign legislature, but as a sultan to his divan. He *annulled* and *prescribed* deliberations at pleasure. He affected to represent his will as the rule of their conduct, and his bounty as the source of their freedom. Nor was the matter of his harangue less injurious than its manner was offensive. Instead of containing any concession important to public liberty, it indicated a relapse into a more lofty despotism than had before

fore marked his pretensions. Tithes, feudal and seigniorial rights, he consecrated as the most inviolable property; and of *lettres de cachet* themselves, by recommending the regulation, he obviously condemned the abolition. The distinction of orders he considered as essential to the constitution of the kingdom, and their present union as only legitimate by his permission. He concluded with commanding them to separate, and to assemble on the next day in the halls of their respective orders.

Mr. Mack-
intosh.

The commons, however, inflexibly adhering to their principles, and conceiving themselves constituted as a national assembly, treated these threats and injunctions with equal neglect. They remained assembled in the hall, which the other orders had quitted, in obedience to the royal command; and when the marquis de Breze, the king's master of ceremonies, reminded them of his majesty's orders, he was answered by *M. Bailli*, with Spartan energy, "The nation assembled has no ORDERS to receive."

—They proceeded to pass resolutions declaratory of adherence to their former decrees, and of the personal inviolability of the members.—The royal session, which the aristocratic party had expected with such triumph and confidence, proved the severest blow to their cause. Forty-nine members of the nobility, at the head of whom was *M. de Clermont Tonnerre*, repaired on the 26th of June to the assembly. The popular enthusiasm was inflamed to such a degree, that alarms were either felt, or affected, for the safety of the king, if the union
of

Mr. Mack-
intosh.

of orders was delayed. The union was accordingly resolved on, and the duke of Luxemburg, president of the nobility, was authorized by his majesty to announce to his order the request and even command of the king, to unite themselves with the other orders. He remonstrated with the king on the fatal consequences of this step. The nobility, he remarked, were not fighting their own battles, but those of the crown. The support of the monarchy was inseparably connected with the division of the states-general. Divided, that body was subject to the crown—united, its authority was sovereign, and its force irresistible. The king was not, however, shaken by these considerations, and on the following day, in an official letter to the presidents of the nobility and clergy, he notified his pleasure. A gloomy and reluctant obedience was yielded to this mandate, and the union of the national representatives at length promised some hope to France.

But the general system of the government formed a suspicious and tremendous contrast with this applauded concession. New *bordes* of foreign mercenaries were summoned to the blockade of Paris and Versailles, from the remotest provinces; an immense train of artillery was disposed in all the avenues of these cities; and seventy thousand men already invested the legislature and capital of France, when the last blow was hazarded against the public hopes, by the ignominious banishment of M. Neckar. France was on the brink of civil war. The provinces were ready to march immense bodies

to the rescue of their representatives. The courtiers and their minions, princes and princesses, male and female favourites, crowded to the camps with which they had invested Versailles, and stimulated the ferocious cruelty of their mercenaries, by caresses, by largesses, and by promises. Mean time the people of Paris revolted, the French soldiery felt that they were citizens, and the fabric of despotism fell to the ground.

Mr. Mack-
intosh.

These soldiers, whom posterity will celebrate for patriotic heroism, are stigmatized by Mr. Burke as "base hireling deserters," who sold their king for an increase of pay. This position he every where asserts or insinuates; but nothing seems more false. The exchequer of a faction might have been equal to the corruption of the guards. The activity of intrigue might have seduced by promise the troops cantoned in the neighbourhood of the capital. But what policy, or fortune, could pervade, by their agents or donatives, an army of 150,000 men, dispersed over so great a monarchy as France? Nothing but sympathy with the national spirit could have produced their noble disobedience.

The pretended seduction of the French troops by the promise of the increased pay, is in every view contradicted by facts. This increase of pay did not originate in the assembly. It was not therefore any part of their policy—it was prescribed to them by the instructions of their constituents, before the meeting of the states. It could not therefore be the project of any cabal of demagogues

to

Mr. Mack-
intosh.

to seduce the army ; it was the decisive and unanimous voice of the nation ; and if there was any conspiracy, it must have been that of the people. What had the demagogues to offer ? The soldiery knew that the states must, in obedience to their instructions, increase their pay. An increase of pay, therefore, was no temptation to sell their king, for of that they felt themselves already secure, as the national voice had prescribed it. It was in fact a necessary part of the system which was to raise the army to a body of respectable citizens, from a gang of mendicant ruffians.

It was, indeed, at the moment of the Parisian revolt, and of the defection of the army, that the whole power of France devolved on the national assembly. It is at that moment, therefore, that the discussion commences, whether that body ought to have re-established and reformed the government *which events had subverted*, or to have proceeded to the establishment of a new constitution, on the general principles of reason and freedom. The arm of the ancient government had been palsied, and its power reduced to formality, by events over which the assembly possessed no controul. It was theirs to decide, not whether the monarchy was to be subverted, for that had been already effected, but whether, from its ruins, fragments were to be collected for the re-construction of the political edifice.

They had been assembled as an ordinary legislature under existing laws. They were transformed

formed by these events into a NATIONAL CONVENTION, and vested with powers to organize a government. It is in vain that their adversaries contest this assertion, by appealing to the deficiency of forms *. It is in vain to demand the legal instrument that changed their constitution, and extended their powers. Accurate forms in the conveyance of power are prescribed by the wisdom of law, in the regular administration of states. But great revolutions are too immense for technical formality. All the sanction that can be hoped for in such events, is the voice of the people, however informally and irregularly expressed. This cannot be pretended to have been wanting in France. Every other species of authority was annihilated by popular acts, but that of the states-general. On them, therefore, devolved the duty of exercising their *unlimited* † trust, according to their best views of general interest.

Mr. Mack-
intosh.

Thus

* This circumstance is shortly stated by Mr. Burke. "I can never consider this assembly as any thing else than a voluntary association of men, who have availed themselves of circumstances to seize upon the power of the state. They do not hold the authority they exercise under any constitutional law of the state. They have departed from the instructions of the people that sent them, &c." Burke, p. 242—3. The same argument is treated by M. Calonne, in an expanded memorial of 44 pages, against the pretensions of the assembly to be a convention, with much unavailing ingenuity and labour.—See his work, from p. 314 to 358.

† A distinction made by Mr. Burke between the *abstract* and *moral* competency of a legislature (p. 27) has been much extolled

Mr. Mack-
intosh.

Thus feeble are the objections against the authority of the assembly.

We now proceed to enquire, whether they ought to have reformed, or destroyed their government? *Was the civil order in France* corrigible, *or was it necessary to destroy it?* We have first to consider the destruction of the three great corporations, of the NOBILITY, the CHURCH, and the PARLIAMENTS. These three aristocracies were the pillars which in fact formed the government of France. The question then of *forming* or *destroying* these bodies is fundamental. There is one general principle applicable to them all adopted by the French legislators—*that the existence of orders is repugnant to the principles of the social union.* An order is a *legal* rank; a body of men combined and endowed with privileges by law.—There are two kinds of inequality, the one personal—that of talent and virtue, the

toll'd by his admirers. To me it seems only a novel and objectionable mode of distinguishing between a *right* and the *expediency* of using it. But the mode of illustrating the distinction is far more pernicious than a mere novelty of phrase. This moral competence is subject, says our author, to "faith, justice, and fixed fundamental policy." Thus illustrated, the distinction appears liable to a double objection. It is false that the *abstract* competence of a legislature extends to the violation of faith and justice. It is false that its *moral* competence does not extend to the most fundamental policy; and thus to confound fundamental policy with faith and justice, for the sake of stigmatizing innovators, is to stab the vitals of morality. There is only one maxim of policy truly fundamental—*the good of the governed*—and the stability of that maxim, rightly understood, demonstrates the mutability of all policy that is subordinate to it.

source of whatever is excellent and admirable in society—the other, that of fortune, which must exist, because *property* alone can stimulate to labour ; and labour, if it were not necessary to the existence, would be indispensable to the happiness of man. But though it be necessary, yet in its excess it is the great malady of civil society. The accumulation of that power which is conferred by wealth in the hands of the few, is the perpetual source of oppression and neglect to the mass of mankind. The power of the wealthy is farther concentrated by their tendency to *combination*, from which, number, dispersion, indigence and ignorance equally preclude the poor. The wealthy are formed into bodies by their professions, their different degrees of opulence (called *ranks*), their knowledge, and their small number.—They necessarily in all countries administer government, for they alone have skill and leisure for its functions. Thus circumstanced, nothing can be more evident than their inevitable preponderance in the political scale. The preference of partial to general interests is however the greatest of all public evils. It should therefore have been the object of all laws to repress this malady ; but it has been their perpetual tendency to aggravate it. Not content with the inevitable inequality of fortune, they have super-added to it honorary and political distinctions. Not content with the inevitable tendency of the wealthy to combine, they have embodied them in classes. They have fortified those conspiracies against the general interest, which they ought to have

Mr. Mack-
intosh.

Mr. Mack-
intosh.

have resisted, though they could not disarm. Laws, it is said, cannot equalize men. No. But ought they for that reason to aggravate the inequality which they cannot cure? Laws cannot inspire unmixed patriotism—But ought they for that reason to foment that *corporation spirit* which is its most fatal enemy?

But besides the general source of hostility to orders, the particular circumstances of France presented other objections, which it is necessary to consider more in detail.

It is in the first place to be remarked, that all the bodies and institutions of the kingdom participated the spirit of the ancient government, and in that view were incapable of alliance with a free constitution. They were tainted by the despotism of which they were members or instruments. The nobility, the priesthood, the judicial aristocracy, were unfit to be members of a free government, because their *corporate* character had been formed under arbitrary establishments. To have preserved these great corporations, would be to have retained the seeds of reviving despotism in the bosom of freedom. This remark may merit the attention of Mr. Burke, as illustrating an important difference between the French and English revolutions. The clergy, the peerage, and judicatures of England, had in some degree the sentiments inspired by a government in which freedom had been eclipsed, but not extinguished—They were therefore qualified to partake of a more stable and improved liberty. But the
case

case of France was different. These bodies had there imbibed every sentiment, and adopted every habit under arbitrary power. Their preservation in England, and their destruction in France, may in this view be justified on similar grounds. It is absurd to regard the orders as remnants of that free constitution which France, in common with the other Gothic nations of Europe, once enjoyed. Nothing remained of these ancient orders but the name. The nobility were no longer those haughty and powerful barons, who enslaved the people and dictated to the king. The ecclesiastics were no longer that priesthood, before whom, in a benighted and superstitious age, all civil power was impotent and mute. They have both dwindled into dependants on the crown. Still less do the opulent and enlightened commons of France resemble its servile and beggared populace in the sixteenth century. Two hundred years of uninterrupted exercise had legitimated absolute authority as much as prescription can consecrate usurpation. The ancient French constitution was therefore no farther a model than that of any *foreign* nation, which was to be judged of alone by its utility, and possessed in no respect the authority of establishment. It had been succeeded by *another* government, and if France were to recur to a period antecedent to her servitude for legislative models, she might as well ascend to the æra of Clovis or Charlemagne, as be regulated by the precedents of Henry III. or Mary of Medicis.

Mr. Mack-
intosh.

Mr. Mick-
into h.

All these forms of government existed only *historically*.

The devotion of the nobility of France to the monarch was inspired equally by their sentiments, their interests, and their habits. "The feudal and chivalrous spirit of fealty," so long the prevailing passion of Europe, was still nourished in their bosoms by the military sentiments from which it first arose. The majority of them had still no profession but war, no hope but in royal favour. The youthful and indigent filled the camps; the more opulent and mature partook the splendour and bounty of the court: but they were equally dependants on the crown. To the plenitude of the royal power were attached those immense and magnificent privileges, which divided France into distinct nations; which exhibited a nobility monopolizing the rewards and offices of the state, and a people degraded to political *helotism*. Men do not cordially resign such privileges, nor quickly dismiss the sentiments which they have inspired. The ostentatious sacrifice of pecuniary exemptions in a moment of general fermentation is a wretched criterion of their genuine feelings. They affected to bestow as a gift, what they would have been speedily compelled to abandon as an usurpation, and they hoped by the sacrifice of a part to purchase security for the rest.

The suppression of nobility has been in England most absurdly confounded with the prohibition of titles.

titles. The union of the orders in one assembly was the first step towards the destruction of a legislative nobility. The abolition of their feudal rights, in the memorable session of the 4th of August, 1789, may be regarded as the second. They retained after these measures no distinction but what was purely nominal, and it remained to be determined what place they were to occupy in the new constitution. That question was decided by the decree of the 22d of December, in the same year, which enacted that the electoral assemblies were to be composed without any regard to rank, and that citizens of all orders were to vote in them indiscriminately.

Mr. Mack-
intosh.

Hitherto all had passed unnoticed ; but no sooner did the assembly, faithful to their principles, proceed to extirpate the external signs of ranks, which they no longer tolerated, than all Europe resounded with clamours against their Utopian and levelling madness. The *incredible* * decree of the 19th of June, 1790, for the suppression of titles, is the object of all these invectives ; yet without that measure the assembly would certainly have been guilty of the grossest inconsistency and absurdity. An *untitled* nobility forming a member of the state, had been exemplified in some commonwealths of antiquity. Such were the patricians in Rome. But a titled nobility, without legal privileges, or political existence, would have been a monster new in the annals of legislative absurdity. The power was pos-

* So called by M. Calonne.

Mr. Mack-
intosh. } fessed without the bauble by the Roman aristocracy.
The bauble would have been revered, while the power was trampled on, if titles had been spared in France. A titled nobility is the most undisputed progeny of feudal barbarism. Titles had in all nations *denoted offices*; it was reserved for Gothic Europe to attach them to *ranks*: yet this conduct of our remote ancestors admits explanation, for with them offices were hereditary, and hence the titles denoting them became hereditary too. But we, who have rejected hereditary office, retain an usage to which it gave rise, and which it alone could justify.

So egregiously is this recent origin of titled nobility misconceived, that it has been even pretended to be necessary to the order and existence of society. A titled nobility was equally unknown to the splendid monarchies of Asia, and to the manly simplicity of the ancient commonwealths. It arose from the peculiar circumstances of modern Europe, and yet its necessity is now erected on the basis of universal experience, as if these other renowned and polished states were effaced from the records of history, and banished from the society of nations. "Nobility is the Corinthian capital of polished states." The august fabric of society is deformed and encumbered by such Gothic ornaments. The massy Doric that sustains it is Labour, and the splendid variety of arts and talents that solace and embellish life, form the decorations of its Corinthian and Ionic capitals.

Other motives besides the extirpation of feudality, disposed the French legislature to the suppression of titles. To give stability to a popular government, a democratic character must be formed, and democratic sentiments inspired. The sentiment of equality which titular distinctions have, perhaps, more than any other cause, extinguished in Europe, and without which democratic forms are impotent and short-lived, was to be revived : a free government was to be established, by carrying the spirit of equality and freedom into the feelings, the manners, the most familiar intercourse of men. The badges of inequality, which were perpetually inspiring sentiments adverse to the spirit of the government, were therefore destroyed : distinctions which only served to unfit the nobility for obedience, and the people for freedom ; to keep alive the discontent of the one, and to perpetuate the servility of the other ; to deprive the one of the moderation that sinks them into citizens, and to rob the other of the spirit that exalts them into free men. A single example can alone dispel inveterate prejudices. Thus thought our ancestors at the revolution, when they deviated from the succession, to destroy the prejudice of its sanctity. Thus also did the legislators of France feel, when, by the abolition of titles, they gave a mortal blow to the slavish prejudices which unfitted their country for freedom. It proceeded on the principle that the security of a revolution of *government* can only arise from a revolution of *character*.

Mr. Mackintosh.

Mr. Mack-
intosh.

To these reasonings it has been opposed, that hereditary distinctions are the *moral treasure* of a state, by which it excites and rewards public virtue and public service, which, without national injury or burden, operates with resistless force on generous minds. To this I answer, that of *personal* distinctions this description is most true, but that this moral treasury of honour is in fact impoverished by the improvident profusion that has made them hereditary. Personal distinctions then every wise state will cherish as its surest and noblest resource; but of hereditary title, *at least in the circumstances of France**, the abolition seems to have been just and politic.

The fate of the CHURCH, the second great corporation that sustained the French despotism, has peculiarly provoked the indignation of Mr. BURKE. The dissolution of the church as a body, the resumption of its territorial revenues, and the new organization of the priesthood, appear to him to be dictated by the union of robbery and irreligion to glut the rapacity of *stock-jobbers*, and to gratify the hostility of *atheists*. All the outrages and proscriptions of ancient or modern tyrants vanish, in his opinion, in the comparison with this confiscation of the *property* of the GALLICAN CHURCH. Principles had, it is true, been on this subject explored, and reasons had been urged by men of genius, which vulgar

* I have been grossly misunderstood by those who have supposed this *qualification* an assumed or affected reserve. I believe the *principle* only as *qualified* by the *circumstances* of different nations.

men

men deemed irresistible. But with these reasons Mr. Mack-
intosh. Mr. BURKE will not deign to combat. "You do not imagine, Sir," says he to his correspondent, "that I am going to compliment this *miserable description of persons* with any long discussion*?" What immediately follows this contemptuous passage is so outrageously offensive to candour and urbanity, that an honourable adversary will disdain to avail himself of it. The passage itself, however, demands a pause. It alludes to an opinion of which *I trust* Mr. Burke did not know the origin. That the church-lands were national property was not first asserted among the *Jacobins*, or in the *Palais Royal*. The author of that opinion, the master of that wretched description of persons, whom Mr. Burke disdains to encounter, was one whom he might have combated with glory, with confidence of triumph in victory, and without fear or shame in defeat. The author of that opinion was TURGOT,

* The Abbé Maury, who is not less remarkable for the fury of eloquent declamation, than for the *inept* parade of historical erudition, attempted in the debate on this subject to trace the opinion higher. Base lawyers, according to him, had insinuated it to the Roman emperors, and against it was pointed the maxim of the civil law, "*Omnia tenet, Cæsar, imperio sed non dominio.*" Louis XIV. and Louis XV. had, if we may believe him, both been assailed by this Machiavelian doctrine, and both had repelled it with magnanimous indignation. The learned Abbé committed only one mistake. The despôts of Rome and France had indeed been poisoned with the idea that they were the immediate proprietors of their subjects' estates. That opinion is execrable and flagitious; and it is not, as we shall see, the doctrine of the French legislators.

Mr. Mack-
intosh.

a name now too high to be exalted by eulogy, or depressed by invective.—That benevolent and philosophic statesman delivered it in the article *Fondation* of the *Encyclopédie*, as the calm and disinterested opinion of a scholar, at a moment when he could have no view to palliate rapacity, or prompt irreligion. It was no doctrine contrived for the occasion by the agents of tyranny ; it was a principle discovered in pure and harmless speculation, by one of the best and wisest of men. I adduce the authority of Turgot, not to oppose the arguments (if there had been any), but to counteract the insinuations of Mr. Burke. The authority of his assertions forms a prejudice, which is thus to be removed before we can hope for a fair audience at the bar of reason. If he insinuates the flagitiousness of these opinions by the supposed vileness of their origin, it cannot be unfit to pave the way for their reception, by assigning them a more illustrious pedigree.

In the few remarks that are here made on the nobility and clergy of France, we confine ourselves strictly to their *political* and *collective* character. Mr. Burke, on the contrary, has grounded his eloquent apology purely on their *individual* and *moral character*.—This, however, is totally irrelevant to the question, for we are not discussing what place they ought to occupy in society as individuals, but as a body.—We are not considering the demerit of citizens whom it is fit to punish, but the spirit of a body which it is politic to dissolve.—We are not contending that the nobility and clergy
were,

were, in their private capacity, bad citizens, but that they were members of corporations which could not be preserved with security to public freedom.

Mr. Mack-
intosh.

The judicial aristocracy formed by the parliaments, seems still less susceptible of union with a free government. Their spirit and claims were equally incompatible with liberty. They had imbibed a spirit congenial to the authority under which they had acted, and suitable to the arbitrary genius of the laws which they had dispensed. They retained those ambiguous and indefinite claims to a share in the legislation, which the fluctuations of power in the kingdom had in some degree countenanced. The spirit of a *corporation* was from the smallness of their numbers more *concentrated* and vigorous in *them* than in the nobles and clergy; and whatever aristocratic zeal is laid to the charge of the nobility, is imputable with tenfold force to the *ennobled magistrates*, who regarded their recent honours with an enthusiasm of vanity, inspired by that bigotted veneration for rank which is the perpetual character of upstarts. A free people could not form its tribunals of men who pretended to any controul on the legislature. Courts of justice, in which seats were legally purchased, had too long been endured: judges who regarded the right of dispensing justice as a marketable commodity, could neither be fit organs of equitable laws, nor suitable magistrates for a free state. It is in vain to urge with Mr. Burke the past services of these

Mr. Mack-
intosh.

these judicial bodies. It is not to be denied that Montesquieu is correct, when he states, that under bad governments one abuse often limits another. The usurped authority of the parliaments formed, it is true, some bulwark against the caprice of the court. But when the abuse is destroyed, why preserve the *remedial evil*? Superstition certainly alleviates the despotism of Turkey; but if a rational government could be erected in that empire, it might with confidence disclaim the aid of the koran, and despise the remonstrances of the mufti. To such establishments let us pay the tribute of gratitude for past benefit; but when their utility no longer exists, let them be canonized by death, that their admirers may be indulged in all the plenitude of posthumous veneration.

The three aristocracies, military, sacerdotal, and judicial, may be considered as having formed the French government. They have appeared, so far as we have considered them, incorrigible. All attempts to improve them would have been little better than (to use the words of Mr. Burke) "mean reparations on mighty ruins." They were not perverted by the accidental depravity of their members. They were not infected by any transient passion, which new circumstances would extirpate. The fault was in the essence of the institutions themselves, which were irreconcilable with a free government. But it is objected, these institutions might have been *gradually* reformed. The spirit of freedom would have silently entered. The progressive wisdom of

an enlightened nation would have remedied, in process of time, their defects, without convulsion.

Mr. Mack-
intosh.

To this argument I confidently answer, *that these institutions would have destroyed LIBERTY, before liberty had corrected their SPIRIT.* Power vegetates with more vigour after these gentle prunings. A slender reform amuses and lulls the people; the popular enthusiasm subsides, and the moment of effectual reform is irretrievably lost. No important political improvement was ever obtained in a period of tranquillity. The corrupt interest of the governors is so strong, and the cry of the people so feeble, that it were vain to expect it. If the effervescence of the popular mind is suffered to pass away without effect, it would be absurd to expect from languor what enthusiasm has not obtained. If radical reform is not, at such a moment, procured, all partial changes are evaded and defeated in the tranquillity which succeeds*. The gradual reform that arises from the presiding principle exhibited in the specious theory of Mr. Burke, is belied by the experience of all ages. Whatever excellence, whatever freedom is discoverable in governments, has been infused into them by the shock of a revolution, and their subsequent progress has been only the accumulation of abuse. It

* "Ignore-t-on que c'est en attaquant, en reversant tous les abus à la fois, qu'on peut espérer de s'en voir délivré sans retour — que les reformes lentes et partielles ont toujours fini par ne rien reformer : enfin que l'abus que l'on conserve devient l'appui et bientôt le restaurateur de tous ceux qu'on croioit avoir détruits?" — *Adresse aux François par l'Evêque d'Autun* — 11 Février 1790.

Mr. Mack-
intosh.

is hence that the most enlightened politicians have recognized the necessity of *frequently recalling governments to their first principles*; a truth equally suggested to the penetrating intellect of Machiavel, by his experience of the Florentine democracy, and by his research into the history of ancient commonwealths.—Whatever is good ought to be pursued at the moment it is attainable. The public voice, irresistible in a period of convulsion, is contemned with impunity, when dictated by that lethargy into which nations are lulled by the tranquil course of their ordinary affairs. The ardour of reform languishes in unsupported tediousness. It perishes in an impotent struggle with adversaries who receive new strength from the progress of the day. No hope of great political improvement (let us repeat it) is to be entertained from tranquillity, for its natural operation is to strengthen all those who are interested in perpetuating abuse. The national assembly seized the moment of eradicating the corruptions and abuses which afflicted their country. Their reform was total, that it might be commensurate with the evil, and *no part of it was delayed*, because to spare an abuse at such a period was to consecrate it; because the enthusiasm which carries nations to such enterprises is short-lived, and the opportunity of reform, if once neglected, might be irrevocably fled.

But let us ascend to more general principles, and hazard bolder opinions. Let us grant that the state of France was not so desperately incorrigible.

rigible. Let us suppose that changes far more gentle, innovations far less extensive, would have remedied the grosser evils of her government, and placed it almost on a level with free and celebrated constitutions. These concessions, though too large for truth, will not convict the assembly. By what principle of reason, or of justice, were they precluded from aspiring to give France a government less imperfect, than *accident* had formed in other states?—Who will be hardy enough to assert, that a better constitution is not attainable than any which has hitherto appeared? Is the limit of human wisdom to be estimated in the science of politics alone, by the extent of its present attainments? Is the most sublime and difficult of all arts, the improvement of the social order, the alleviation of the miseries of the civil condition of man, to be alone stationary, amid the rapid progress of every other art, liberal and vulgar, to perfection? Where would be the atrocious guilt of a grand experiment, to ascertain the portion of freedom and happiness, that can be created by political institutions?

Mr. Mack-
intosh.

Legislators are under no obligation to retain a constitution, because it has been found “*tolerably*” “to answer the common purposes of government.” It is absurd to *expect*, but it is not absurd to *pursue* perfection. It is absurd to acquiesce in evils, of which the remedy is obvious, because they are less grievous than those which are endured by others. To suppose the social order is not capable of improvement from the progress of the human understanding, is
to

Mr. Mack-
intosh.

to betray the inconsistent absurdity of an arrogant confidence in our attainments, and an abject distrust of our powers. If indeed the sum of evil produced by political institutions, even in the least imperfect governments, were small, there might be some pretence for this dread of innovation, this horror at remedy, which has raised such a clamour over Europe : but, on the contrary, in an estimate of the sources of human misery, after granting that one portion is to be attributed to disease, and another to private vices, it might perhaps be found that a *third equal* part arose from the oppressions and corruptions of government, disguised under various forms. All the governments that now exist in the world (except the United States of America) have been fortuitously formed. They are the produce of chance, not the work of art. They have been altered, impaired, improved and destroyed by accidental circumstances, beyond the foresight or controul of wisdom. Their parts thrown up against present emergencies formed no systematic whole. It was certainly not to have been presumed, that these *fortuitous governments* should have surpassed the works of intellect, and precluded all nearer approaches to perfection. Their origin without doubt furnishes a strong presumption of an opposite nature. It might teach us to expect in them many discordant principles, many jarring forms, much unmixed evil, and much imperfect good, many institutions which had long survived their motive, and many of which reason had never been the author,

thor, nor utility the object. Experience, *even in the best of these governments*, accords with such expectations. Mr. Mack-
intosh.

A government of *art*, the work of legislative intellect, reared on the immutable basis of natural right and general happiness, which should combine the excellencies and exclude the defects of the various constitutions which chance had scattered over the world, instead of being precluded by the perfection of any of those forms, was loudly demanded by the injustice and absurdity of them all. It was time that men should learn to tolerate nothing ancient that reason does not respect, and to shrink from no novelty to which reason may conduct. It was time that the human powers, so long occupied by subordinate objects, and inferior arts, should mark the commencement of a new æra in history, by giving birth to the art of improving government, and increasing the civil happiness of man. It was time, as it has been wisely and eloquently said, that legislators, instead of that narrow and daftardly *coasting* which never ventures to lose sight of usage and precedent, should, guided by the *polarity* of reason, hazard a bolder navigation, and discover, in unexplored regions, the treasure of public felicity.

Mr.

MR. PAINE.

Rights of
Man, p. 1.

THE despotism of Louis XIV. united with the gaiety of his court, and the gaudy ostentation of his character, had so humbled, and, at the same time, so fascinated the mind of France, that the people appear to have lost all sense of their own dignity in contemplating that of their grand monarch : and the whole reign of Louis XV. remarkable only for weakness and effeminacy, made no other alteration than that of spreading a sort of lethargy over the nation, from which it shewed no disposition to rise.

The only signs which appeared of the spirit of liberty during those periods, are to be found in the writings of the French philosophers. Montesquieu, president of the parliament of Bourdeaux, went as far as a writer under a despotic government could well proceed ; and being obliged to divide himself between principle and prudence, his mind often appears under a veil, and we ought to give him credit for more than he has expressed.

Voltaire, who was both the flatterer and the satyrift of despotism, took another line. His forte lay in exposing and ridiculing the superstitions which priest-craft united with state-craft had interwoven with governments. It was not from the purity of his principles, or his love of mankind (for satire and philanthropy are not naturally concordant), but from his strong capacity of seeing folly in its

true shape, and his irresistible propensity to expose it, that he made those attacks. They were however as formidable as if the motives had been virtuous; and he merits the thanks rather than the esteem of mankind.

Mr. Paine.

On the contrary, we find in the writings of Rousseau, and the abbé Raynal, a loveliness of sentiment in favour of liberty, that excites respect, and elevates the human faculties; but having raised this animation, they do not direct its operations, and leave the mind in love with an object, without describing the means of possessing it.

The writings of Quisne, Turgot, and the friends of those authors, are of the serious kind; but they laboured under the same disadvantage with Montesquieu: their writings abound with moral maxims of government, but are rather directed to economise and reform the administration of the government, than the government itself.

But all those writings and many others had their weight; and by the different manner in which they treated the subject of government, Montesquieu by his judgment and knowledge of laws, Voltaire by his wit, Rousseau and Raynal by their animation, and Quisne and Turgot by their moral maxims and systems of economy, readers of every class met with something to their taste, and a spirit of political enquiry began to diffuse itself through the nation at the time the dispute between England and the then colonies of America broke out.

In the war which France afterwards engaged in,

G

it

Mr. Paine. it is very well known that the nation appeared to be beforehand with the French ministry. Each of them had its view : but those views were directed to different objects ; the one sought liberty, and the other retaliation on England. The French officers and soldiers who after this went to America, were eventually placed in the school of freedom, and learned the practice as well as the principles of it by heart.

As it was impossible to separate the military events which took place in America from the principles of the American revolution, the publication of those events in France necessarily connected themselves with the principles that produced them. Many of the facts were in themselves principles ; such as the declaration of American independence, and the treaty of alliance between France and America, which recognised the natural right of man, and justified resistance to oppression.

The then minister of France, count Vergennes, was not the friend of America ; and it is both justice and gratitude to say, that it was the queen of France who gave the cause of America a fashion at the French court. Count Vergennes was the personal and social friend of Dr. Franklin ; and the Doctor had obtained, by his sensible gracefulness, a sort of influence over him ; but with respect to principles, count Vergennes was a despot.

The situation of Dr. Franklin as minister from America to France, should be taken into the chain of circumstances. The diplomatic character is of itself

itself the narrowest sphere of society that man can act in. It forbids intercourse by a reciprocity of suspicion ; and a diplomatic is a sort of unconnected atom, continually repelling and repelled. But this was not the case with Dr. Franklin. He was not the diplomatic of a court, but of MAN. His character as a philosopher had been long established, and his circle of society in France was universal. Mr. Paine.

Count Vergennes resisted for a considerable time the publication of the American constitutions in France, translated into the French language ; but even in this he was obliged to give way to public opinion, and a sort of propriety in admitting to appear what he had undertaken to defend. The American constitutions were to liberty, what a grammar is to language : they define its parts of speech, and practically construct them into syntax.

The peculiar situation of the then marquis de la Fayette is another link in the great chain. He served in America as an American officer under a commission of congress, and, by the universality of his acquaintance, was in close friendship with the civil government of America, as well as with the military line. He spoke the language of the country, entered into the discussions on the principles of government, and was always a welcome friend at any election.

When the war closed, a vast reinforcement to the cause of liberty spread itself over France, by the return of the French officers and soldiers. A knowledge of the practice was then joined to the theory ;

Mr. Paine. and all that was wanting to give it real existence, was opportunity. Man cannot, properly speaking, make circumstances for his purpose; but he always has it in his power to improve them when they occur; and this was the case in France.

M. Neckar was displaced in May 1781; and by the ill management of the finances afterwards, and particularly during the extravagant administration of M. Calonne, the revenue of France, which was nearly twenty-four millions sterling *per* year, was become unequal to the expenditures, not because the revenue had decreased, but because the expences had increased; and this was the circumstance which the nation laid hold of to bring forward a revolution. The English minister, Mr. Pitt, has frequently alluded to the state of the French finances in his budgets, without understanding the subject. Had the French parliaments been as ready to register edicts for new taxes, as an English parliament is to grant them, there had been no derangement in the finances, nor yet any revolution; but this will better explain itself as I proceed.

It will be necessary here to shew how taxes were formerly raised in France. The king, or rather the court or ministry acting under the use of that name, framed the edicts for taxes at their own discretion, and sent them to the parliaments to be registered; for until they were registered by the parliaments, they were not operative. Disputes had long existed between the court and the parliament

ment with respect to the extent of the parliament's authority on this head. The court insisted that the authority of parliament went no farther than to remonstrate or shew reasons against the tax, reserving to itself the right of determining whether the reasons were well or ill founded ; and in consequence thereof, either to withdraw the edict as a matter of choice, or to *order* it to be enregistered as a matter of authority. The parliaments on their part insisted, that they had not only a right to remonstrate, but to reject ; and on this ground they were always supported by the nation.

Mr. Paine.

But, to return to the order of my narrative—M. Calonne wanted money ; and as he knew the sturdy disposition of the parliaments with respect to new taxes, he ingeniously sought either to approach them by a more gentle means than that of direct authority, or to get over their heads by a manœuvre: and, for this purpose, he revived the project of assembling a body of men from the several provinces, under the style of an “ Assembly of the Notables,” or Men of Note, who met in 1787, and who were either to recommend taxes to the parliaments, or to act as a parliament themselves. An assembly under this name had been called in 1617.

As we are to view this as the first practical step towards the revolution, it will be proper to enter into some particulars respecting it. The assembly of the notables has in some places been mistaken for the states-general, but was wholly a different body ; the states-general being always by election. The

Mr. Paine. persons who composed the assembly of the notables were all nominated by the king, and consisted of one hundred and forty members. But as M. Calonne could not depend upon a majority of this assembly in his favour, he very ingeniously arranged them in such a manner as to make forty-four a majority of one hundred and forty: to effect this, he disposed of them into seven separate committees, of twenty members each. Every general question was to be decided, not by a majority of persons, but by a majority of committees; and as eleven votes would make a majority in a committee, and four committees a majority of seven, M. Calonne had good reason to conclude, that as forty-four would determine any general question, he could not be out-voted. But all his plans deceived him, and in the event became his overthrow.

The then marquis de la Fayette was placed in the second committee, of which count d'Artois was president: and as money-matters was the object, it naturally brought into view every circumstance connected with it. M. de la Fayette made a verbal charge against Calonne, for selling crown-lands to the amount of two millions of livres, in a manner that appeared to be unknown to the king. The count d'Artois (as if to intimidate, for the Bastille was then in being) asked the marquis if he would render the charge in writing? He replied, that he would.—The count d'Artois did not demand it, but brought a message from the king to that purport. M. de la Fayette then delivered in his charge
in

in writing, to be given to the king, undertaking to support it. No farther proceedings were had upon this affair ; but M. Calonne was soon after dismissed by the king, and set off to England. Mr. Paine.

As M. de la Fayette, from the experience he had seen in America, was better acquainted with the science of civil government than the generality of the members who composed the assembly of the notables could then be, the brunt of the business fell considerably to his share. The plan of those who had a constitution in view, was to contend with the court on the ground of taxes, and some of them openly professed their object. Disputes frequently arose between count d'Artois and M. de la Fayette, upon various subjects. With respect to the arrears already incurred, the latter proposed to remedy them, by accommodating the expences to the revenue, instead of the revenue to the expences ; and as objects of reform, he proposed to abolish the Bastille, and all the state-prisons throughout the nation (the keeping of which was attended with great expence), and to suppress *lettres de cachet*: but those matters were not then much attended to ; and with respect to *lettres de cachet*, a majority of the nobles appeared to be in favour of them.

On the subject of supplying the treasury by new taxes, the assembly declined taking the matter on themselves, concurring in the opinion that they had not authority. In a debate on this subject, M. de la Fayette said, that raising money by taxes could only be done by a national assembly, freely

Mr. Paine. { elected by the people, and acting as their representatives. Do you mean, said the count d'Artois, the *states-general*? M. de la Fayette replied, that he did. Will you, said the count d'Artois, sign what you say, to be given to the king? The other replied, that he not only would do this, but that he would go farther, and say, that the effectual mode would be, for the king to agree to the establishment of a constitution.

As one of the plans had thus failed, that of getting the assembly to act as a parliament, the other came into view, that of recommending. On this subject, the assembly agreed to recommend two new taxes to be enregistered by the parliament: the one a stamp-tax, and the other a territorial tax, or sort of land-tax. The two have been estimated at about five millions sterl. *per annum*. We have now to turn our attention to the parliaments, on whom the business was again devolving.

The archbishop of Thoulouse (since archbishop of Sens, and now a cardinal) was appointed to the administration of the finances, soon after the dismissal of Calonne. He was also made prime minister, an office that did not always exist in France. When this office did not exist, the chief of each of the principal departments transacted business immediately with the king; but when a prime minister was appointed, they did business only with him. The archbishop arrived to more state authority than any minister since the duke de Choiseuil, and the nation was strongly disposed in his favour;

favour; but, by a line of conduct scarcely to be accounted for, he perverted every opportunity, turned out a despot, and sunk into disgrace, and a cardinal.

Mr. Paine.

The assembly of the notables having broke up, the new minister sent the edicts for the two new taxes recommended by the assembly to the parliaments, to be enregistered. They of course came first before the parliament of Paris, who returned for answer, *That with such a revenue as the nation then supported, the name of taxes ought not to be mentioned, but for the purpose of reducing them*; and threw both the edicts out*.

On this refusal, the parliament was ordered to Versailles, where, in the usual form, the king held, what under the old government was called, a bed of justice; and the two edicts were enregistered in presence of the parliament, by an order of state, in the manner mentioned in page 84. On this, the parliament immediately returned to Paris, renewed their session in form, and ordered the enregistering to be struck out, declaring that every thing done at Versailles was illegal. All the members of the parliament were then served with lettres de cachet, and exiled to Trois; but as they continued as inflexible in exile as before, and as vengeance did not supply the place of taxes, they were after a short time recalled to Paris.

* When the English minister, Mr. Pitt, mentions the French finances again in the English parliament, it would be well that he noticed this as an example.

The

Mr. Paine.

The edicts were again tendered to them, and the count d'Artois undertook to act as representative for the king. For this purpose, he came from Versailles to Paris, in a train of procession; and the parliament were assembled to receive him. But show and parade had lost their influence in France; and whatever ideas of importance he might set off with, he had to return with those of mortification and disappointment. On alighting from his carriage to ascend the steps of the parliament-house, the crowd (which was numerously collected) threw out trite expressions, saying, "This is monsieur d'Artois, "who wants more of our money to spend." The marked disapprobation which he saw, impressed him with apprehensions; and the word *aux armes* (*to arms*) was given out by the officer of the guard who attended him. It was so loudly vociferated, that it echoed through the avenues of the house, and produced a temporary confusion. I was then standing in one of the apartments through which he had to pass, and could not avoid reflecting how wretched was the condition of a disrespected man.

He endeavoured to impress the parliament by great words, and opened his authority by saying, "The king, our lord and master." The parliament received him very coolly, and with their usual determination not to register the taxes: and in this manner the interview ended.

After this a new subject took place: in the various debates and contests that arose between the court and the parliaments on the subject of
taxes,

taxes, the parliament of Paris at last declared, that although it had been customary for parliaments to enregister edicts for taxes as a matter of convenience, the right belonged only to the *states-general*; and that, therefore, the parliament could no longer with propriety continue to debate on what it had not authority to act. The king after this came to Paris, and held a meeting with the parliament, in which he continued from ten in the morning till about six in the evening; and, in a manner that appeared to proceed from him, as if unconsulted upon with the cabinet or the ministry, gave his word to the parliament, that the *states-general* should be convened.

Mr. Paine.

But after this another scene arose, on a ground different from all the former. The minister and the cabinet were averse to calling the *states-general*: they well knew, that, if the *states-general* were assembled, themselves must fall; and as the king had not mentioned *any time*, they hit on a project calculated to elude, without appearing to oppose.

For this purpose, the court set about making a sort of constitution itself: it was principally the work of M. Lamoignon, keeper of the seals, who afterwards shot himself. This new arrangement consisted in establishing a body under the name of *cour plénier*, or full court, in which were invested all the powers that the government might have occasion to make use of. The persons composing this court were to be nominated by the king; the contended

right

Mr. Paine. right of taxation was given up on the part of the king, and a new criminal code of laws, and law proceedings, was substituted in the room of the former. The thing, in many points, contained better principles than those upon which the government had hitherto been administered : but with respect to the *cour plénier*e, it was no other than a medium through which despotism was to pass, without appearing to act directly from itself.

The cabinet had high expectations from their new contrivance. The persons who were to compose the *cour plénier*e, were already nominated ; and, as it was necessary to carry a fair appearance, many of the best characters in the nation were appointed among the number. It was to commence on the 8th of May 1788 : but an opposition arose to it, on two grounds—the one as to principle, the other as to form.

On the ground of principle it was contended, that government had not a right to alter itself ; and that if the practice was once admitted, it would grow into a principle, and be made a precedent for any future alterations the government might wish to establish : that the right of altering the government was a national right, and not a right of government. —And on the ground of form, it was contended, that the *cour plénier*e was nothing more than a larger cabinet.

The then duke de la Rochefoucault, Luxembourg, De Noailles, and many others, refused to accept the nomination, and strenuously opposed the whole

whole plan. When the edict for establishing this new court was sent to the parliaments to be en-registered, and put into execution, they resisted also. The parliament of Paris not only refused, but denied the authority; and the contest renewed itself between the parliament and the cabinet more strongly than ever. While the parliament were sitting in debate on this subject, the ministry ordered a regiment of soldiers to surround the house, and form a blockade. The members sent out for beds and provision, and lived as in a besieged citadel; and as this had no effect, the commanding officer was ordered to enter the parliament-house and seize them, which he did, and some of the principal members were shut up in different prisons. About the same time a deputation of persons arrived from the province of Brittany, to remonstrate against the establishment of the *cour plénier*; and those the archbishop sent to the Bastille. But the spirit of the nation was not to be overcome; and it was so fully sensible of the strong ground it had taken, that of withholding taxes, that it contented itself with keeping up a sort of quiet resistance, which effectually overthrew all the plans at that time formed against it. The project of the *cour plénier* was at last obliged to be given up, and the prime minister not long afterwards followed its fate; and M. Neckar was recalled into office.

Mr. Paine.

The attempt to establish the *cour plénier* had an effect upon the nation, which itself did not perceive. It was a sort of new form of government, that insensibly

Mr. Paine. sensibly served to put the old one out of sight, and to unhinge it from the superstitious authority of antiquity. It was government dethroning government ; and the old one, by attempting to make a new one, made a chasm.

The failure of this scheme renewed the subject of convening the states-general : and this gave rise to a new series of politics. There was no settled form for convening the states-general : all that it positively meant, was a deputation from what was then called the clergy, the noblesse, and the commons ; but their numbers, or their proportions had not been always the same. They had been convened only on extraordinary occasions, the last of which was in 1614 ; their numbers were then in equal proportions, and they voted by orders.

It could not well escape the sagacity of M. Neckar, that the mode of 1614 would answer neither the purpose of the then government, nor of the nation. As matters were at that time circumstanced, it would have been too contentious to agree upon any thing. The debates would have been endless upon privileges and exemptions, in which neither the wants of the government, nor the wishes of the nation for a constitution, would have been attended to. But as he did not choose to take the decision upon himself, he summoned again the *assembly of the notables*, and referred it to them. This body was in general interested in the decision, being chiefly of the aristocracy and the high-paid clergy ;

clergy; and they decided in favour of the mode of 1614. This decision was against the sense of the nation, and also against the wishes of the court; for the aristocracy opposed itself to both, and contended for privileges independent of either. The subject was then taken up by the parliament, who recommended that the number of the commons should be equal to the other two; and that they should all sit in one house, and vote in one body. The number finally determined on was twelve hundred: six hundred to be chosen by the commons (and this was less than their proportion ought to have been, when their worth and consequence is considered on a national scale), three hundred by the clergy, and three hundred by the aristocracy; but with respect to the mode of assembling themselves, whether together or apart, or the manner in which they should vote, those matters were referred.

Mr. Paine.

The election that followed, was not a contested election, but an animated one. The candidates were not men, but principles. Societies were formed in Paris, and committees of correspondence and communication established throughout the nation, for the purpose of enlightening the people, and explaining to them the principles of civil government; and so orderly was the election conducted, that it did not give rise even to the rumour of tumult.

The states general were to meet at Versailles in April 1789, but did not assemble till May. They situated themselves in three separate chambers, or rather

Mr. Paine. rather the clergy and the aristocracy withdrew each into a separate chamber. The majority of the aristocracy claimed what they called the privilege of voting as a separate body, and of giving their consent or their negative in that manner ; and many of the bishops and the high-beneficed clergy claimed the same privilege on the part of their order.

The *tiers état* (as they were then called) disowned any knowledge of artificial orders, and artificial privileges ; and they were not only resolute on this point, but somewhat disdainful. They began to consider aristocracy as a kind of fungus growing out of the corruption of society, that could not be admitted even as a branch of it ; and from the disposition the aristocracy had shewn by upholding lettres de cachet, and in sundry other instances, it was manifest that no constitution could be formed by admitting men in any other character than as national men.

After various altercations on this head, the tiers état or commons (as they were then called) declared themselves (on a motion made for that purpose by the abbé Sieyès) “ THE REPRESENTATIVES “ OF THE NATION ; and that the two orders could be “ considered but as deputies of corporations, and could “ only have a deliberative voice but when they assembled “ in a national character with the national representatives.” This proceeding extinguished the style of *états généraux* or states-general, and erected it into the style it now bears, that of l’assemblée nationale, or national assembly.

This

This motion was not made in a precipitate manner: it was the result of cool deliberation, and concerted between the national representatives and the patriotic members of the two chambers, who saw into the folly, mischief, and injustice of artificial privileged distinctions. It was become evident, that no constitution, worthy of being called by that name, could be established on any thing less than a national ground. The aristocracy had hitherto opposed the despotism of the court, and affected the language of patriotism; but it opposed it as its rival (as the English barons opposed King John); and it now opposed the nation from the same motives.

Mr. Paine.

On carrying this motion, the national representatives, as had been concerted, sent an invitation to the two chambers, to unite with them in a national character, and proceed to business. A majority of the clergy, chiefly of the parish-priests, withdrew from the clerical chamber, and joined the nation; and forty-five from the other chamber joined in like manner. There is a sort of secret history belonging to this last circumstance, which is necessary to its explanation: it was not judged prudent that all the patriotic members of the chamber, styling itself the nobles, should quit it at once; and in consequence of this arrangement, they drew off by degrees, always leaving some, as well to reason the case, as to watch the suspected. In a little time, the numbers increased from forty-five to eighty, and soon after to a greater number;

H

which,

Mr. Paine. which, with a majority of the clergy, and the whole of the national representatives, put the malcontents in a very diminutive condition.

The king, who, very different to the general class called by that name, is a man of a good heart, shewed himself disposed to recommend a union of the three chambers, on the ground the national assembly had taken: but the malcontents exerted themselves to prevent it, and began now to have another project in view. Their numbers consisted of a majority of the aristocratical chamber, and a minority of the clerical chamber, chiefly of bishops and high-beneficed clergy; and these men were determined to put every thing to issue, as well by strength as by stratagem. They had no objection to a constitution; but it must be such an one as themselves should dictate, and suited to their own views and particular situations. On the other hand, the nation disowned knowing any thing of them but as citizens, and was determined to shut out all such upstart pretensions. The more aristocracy appeared, the more it was despised; there was a visible imbecillity and want of intellects in the majority, a sort of *je ne sais quoi*, that while it affected to be more than citizen, was less than man. It lost ground from contempt more than from hatred; and was rather jeered at as an ass, than dreaded as a lion. This is the general character of aristocracy, or what are called nobles or nobility, or rather no-ability, in all countries.

The plan of the malcontents consisted now of
two

two things ; either to deliberate and vote by chambers (or orders), more especially on all questions respecting a constitution (by which the aristocratical chamber would have had a negative on any article of the constitution) ; or, in case they could not accomplish this object, to overthrow the national assembly entirely.

Mr. Paine.

To effect one or other of these objects, they began now to cultivate a friendship with the despotism they had hitherto attempted to rival, and the count d'Artois became their chief. The king (who has since declared himself deceived into their measures) held, according to the old form, *a bed of justice*, in which he accorded to the deliberation and vote *par tête* (by head) upon several objects ; but reserved the deliberation and vote upon all questions respecting a constitution to the three chambers separately. This declaration of the king was made against the advice of M. Neckar, who now began to perceive that he was growing out of fashion at court, and that another minister was in contemplation.

As the form of sitting in separate chambers was yet apparently kept up, though essentially destroyed, the national representatives, immediately after this declaration of the king, resorted to their own chambers, to consult on a protest against it ; and the minority of the chamber (calling itself the nobles), who had joined the national cause, retired to a private house, to consult in like manner. The malcontents had by this time concerted their mea-

Mr. Paine. fures with the court, which count d'Artois undertook to conduct; and as they saw, from the discontent which the declaration excited, and the opposition making against it, that they could not obtain a controul over the intended constitution by a separate vote, they prepared themselves for their final object—that of conspiring against the national assembly, and overthrowing it.

The next morning, the door of the chamber of the national assembly was shut against them, and guarded by troops; and the members were refused admittance. On this, they withdrew to a tennis-ground in the neighbourhood of Versailles, as the most convenient place they could find, and, after renewing their session, took an oath never to separate from each other, under any circumstance whatever, death excepted, until they had established a constitution. As the experiment of shutting up the house had no other effect than that of producing a closer connection in the members, it was opened again the next day, and the public business recommenced in the usual place.

We now are to have in view the forming of the new ministry, which was to accomplish the overthrow of the national assembly. But as force would be necessary, orders were issued to assemble thirty thousand troops, the command of which was given to Broglie, one of the new-intended ministry, who was recalled from the country for this purpose. But as some management was necessary to keep this plan concealed till the moment it should

should be ready for execution, it is to this policy that a declaration made by count d'Artois must be attributed, and which is here proper to be introduced. Mr. Paine.

It could not but occur, that while the malcontents continued to resort to their chambers separate from the national assembly, that more jealousy would be excited than if they were mixed with it, and that the plot might be suspected. But as they had taken their ground, and now wanted a pretence for quitting it, it was necessary that one should be devised. This was effectually accomplished by a declaration made by count d'Artois, "*That if they took not a part in the national assembly, the life of the king would be endangered:*" on which they quitted their chambers, and mixed with the assembly in one body.

At the time this declaration was made, it was generally treated as a piece of absurdity in count d'Artois, and calculated merely to relieve the outstanding members of the two chambers from the diminutive situation they were put in; and if nothing more had followed, this conclusion would have been good. But as things best explain themselves by their events, this apparent union was only a cover to the machinations that were secretly going on; and the declaration accommodated itself to answer that purpose. In a little time the national assembly found itself surrounded by troops, and thousands daily arriving. On this a very strong declaration was made by the national assembly

Mr. Paine. bly to the king, remonstrating on the impropriety of the measure, and demanding the reason. The king, who was not in the secret of this business, as himself afterwards declared, gave substantially for answer, that he had no other object in view than to preserve the public tranquillity, which appeared to be much disturbed.

But in a few days from this time the plot unravelled itself. M. Neckar and the ministry were displaced, and a new one formed, of the enemies of the revolution; and Broglio, with between twenty-five and thirty thousand foreign troops, was arrived to support them. The mask was now thrown off, and matters were come to a crisis. The event was, that in the space of three days the new ministry and their abettors found it prudent to fly the nation; the Bastille was taken, and Broglio and his foreign troops dispersed; as is already related in the former part of this work.

There are some curious circumstances in the history of this short-lived ministry, and this short-lived attempt at a counter-revolution. The palace of Versailles, where the court was sitting, was not more than four hundred yards distant from the hall where the national assembly was sitting. The two places were at this moment like the separate head-quarters of two combatant armies; yet the court was as perfectly ignorant of the information which had arrived from Paris to the national assembly, as if it had resided at an hundred miles distance. The then marquis de la Fayette, who
(as

(as has been already mentioned) was chosen to pre-
 side in the national assembly on this particular occa-
 sion, named, by order of the assembly, three succe-
 ssive deputations to the king, on the day, and up to
 the evening on which the Bastille was taken, and
 to inform and confer with him on the state of af-
 fairs: but the ministry, who knew not so much
 as that it was attacked, precluded all communi-
 cation, and were solacing themselves how dexter-
 ously they had succeeded; but in a few hours the
 accounts arrived so thick and fast, that they had to
 start from their desks and run. Some set off in
 one disguise, and some in another, and none in
 their own character. Their anxiety now was to
 outstride the news lest they should be stopped,
 which, though it flew fast, flew not so fast as them-
 selves.

Mr. Paine.

It is worth remarking, that the national assembly
 neither pursued those fugitive conspirators, nor
 took any notice of them; nor sought to retaliate
 in any shape whatever. Occupied with establishing
 a constitution founded on the rights of man, and
 the authority of the people, the only authority
 on which government has a right to exist in any
 country, the national assembly felt none of those
 mean passions which mark the character of im-
 pertinent governments, founding themselves on
 their own authority, or on the absurdity of here-
 ditary succession. It is the faculty of the human
 mind to become what it contemplates, and to act
 in unison with its object.

Mr. Paine.

The conspiracy being thus dispersed, one of the first works of the national assembly, instead of vindictive proclamations, as has been the case with other governments, published a declaration of the rights of man, as the basis on which the new constitution was to be built.

“ We have seen (says Mr. Burke) the French “ rebel against a mild and lawful monarch, with “ more fury, outrage, and insult, than any people “ has been known to rise against the most illegal “ usurper, or the most sanguinary tyrant.”—This is one among a thousand other instances in which Mr. Burke shews that he is ignorant of the springs and principles of the French revolution.

It was not against Louis XVI. but against the despotic principles of the government, that the nation revolted. These principles had not their origin in him, but in the original establishment, many centuries back; and they were become too deeply rooted to be removed, and the Augean stable of parasites and plunderers too abominably filthy to be cleansed, by any thing short of a complete and universal revolution. When it becomes necessary to do a thing, the whole heart and soul should go into the measure, or not attempt it. That crisis was then arrived, and there remained no choice but to act with determined vigour, or not to act at all. The king was known to be the friend of the nation, and this circumstance was favourable to the enterprise. Perhaps no man bred up in the style of an absolute king, ever possessed a heart so
little

little disposed to the exercise of that species of power as the present king of France. But the principles of the government itself still remained the same. The monarch and the monarchy were distinct and separate things; and it was against the established despotism of the latter, and not against the person or principles of the former, that the revolt commenced, and the revolution has been carried.

Mr. Paine.

Mr. Burke does not attend to the distinction between *men* and *principles*, and therefore he does not see that a revolt may take place against the despotism of the latter, while there lies no charge of despotism against the former.

The natural moderation of Louis XVI. contributed nothing to alter the hereditary despotism of the monarchy. All the tyrannies of former reigns, acted under that hereditary despotism, were still liable to be revived in the hands of a successor. It was not the respite of a reign that would satisfy France, enlightened as she was then become. A casual discontinuance of the *practice* of despotism is not a discontinuance of its *principles*; the former depends on the virtue of the individual who is in immediate possession of the power; the latter, on the virtue and fortitude of the nation. In the case of Charles I. and James II. of England, the revolt was against the personal despotism of the men; whereas in France, it was against the hereditary despotism of the established government. But men who can consign over the rights of posterity

Mr. Paine. terity for ever on the authority of a mouldy parchment, like Mr. Burke, are not qualified to judge of this revolution. It takes in a field too vast for their views to explore, and proceeds with a mightiness of reason they cannot keep pace with.

But there are many points of view in which this revolution may be considered. When despotism has established itself for ages in a country, as in France, it is not in the person of the king only that it resides. It has the appearance of being so in show, and in nominal authority ; but it is not so in practice, and in fact. It has its standard every where. Every office and department has its despotism, founded upon custom and usage. Every place has its Bastille, and every Bastille its despot. The original hereditary despotism resident in the person of the king, divides and subdivides itself into a thousand shapes and forms, till at last the whole of it is acted by deputation. This was the case in France ; and against this species of despotism, proceeding on through an endless labyrinth of office till the source of it is scarcely perceptible, there is no mode of redress. It strengthens itself by assuming the appearance of duty, and tyrannises under the pretence of obeying.

When a man reflects on the condition which France was in from the nature of her government, he will see other causes for revolt than those which immediately connect themselves with the person or character of Louis XVI. There were, if I may so express it, a thousand despotisms to be

be reformed in France, which had grown up under the hereditary despotism of the monarchy, and became so rooted as to be in a great measure independent of it. Between the monarchy, the parliament, and the church, there was a *rivalship* of despotism; besides the feudal despotism operating locally, and the ministerial despotism operating every where. But Mr. Burke, by considering the king as the only possible object of a revolt, speaks as if France was a village, in which every thing that passed must be known to its commanding officer, and no oppression could be acted but what he could immediately controul. Mr. Burke might have been in the Bastille his whole life, as well under Louis XVI. as Louis XIV. and neither the one nor the other have known that such a man as Mr. Burke existed. The despotic principles of the government were the same in both reigns, though the dispositions of the men were as remote as tyranny and benevolence.

Mr. Paine.

What Mr. Burke considers as a reproach to the French revolution (that of bringing it forward under a reign more mild than the preceding ones), is one of its highest honours. The revolutions that have taken place in other European countries, have been excited by personal hatred. The rage was against the man, and he became the victim. But, in the instance of France, we see a revolution generated in the rational contemplation of the rights of man, and distinguishing from the beginning between persons and principles.

But

Mr. Paine.

But Mr. Burke appears to have no idea of principles, when he is contemplating governments. "Ten years ago (says he) I could have felicitated France on her having a government, without enquiring what the nature of that government was, or how it was administered." Is this the language of a rational man? Is it the language of a heart feeling as it ought to feel for the rights and happiness of the human race? On this ground, Mr. Burke must compliment every government in the world, while the victims who suffer under them, whether sold into slavery, or tortured out of existence, are wholly forgotten.—And thus much for his opinion as to the occasion of the French revolution.

Mr.

MR. G. ROUS.

[N contemplating the great scene now displayed
 in France, which engages the attention of all
 Europe, the first reflection it suggests is, that the
 experience of the ancient world affords no analogies
 from which we may venture to conjecture the pro-
 bable event. We cannot reason from the ancient
 republics either on the perfection to which the same
 forms of government may now be carried, or the
 extent of territory these may permanently embrace.
 The art of printing alone has wrought a total
 change in the condition of mankind. In modern
 times, where the liberty of the press prevails, the
 true principles of government are investigated in
 the abstract, and consequently without passion.
 Every question of public interest, whether it re-
 gards the distribution of political power among the
 several orders of the state, or the actual exercise of
 those powers, is again and again discussed. The
 thinking part of the community weigh the argu-
 ments in their closet. The general assent of culti-
 vated minds gradually commands the concurrence
 of the multitude, and the public mind, after some
 vibrations, commonly settles on the solid founda-
 tion of acknowledged truth. But, above all, the
 modern improvement of representation has given
 order to democracy, divested it of all its terrors,
 and enabled it to debate every question of public
 interest with all the wisdom, and knowledge, and
 ability,

Thoughts
 on Govern-
 ment.

Mr. Rous. ability, of every species, which the nation can boast without that perversion of mind which must invariably pervade the deliberations of an assembly actuated by interests distinct from those of the great body of the people. Had France enjoyed such a well-regulated democracy, balanced by a separate order of nobles, who, if they have not strength ultimately to resist, may yet interpose their negative, and compel the commons again and again to deliberate : had the permanency of their constitution been yet farther secured by an hereditary monarch, possessing *exclusively* the whole executive power of the state, and enabled to appeal to the people even against their representatives on any projected innovation in their government : rash indeed would have been the nation, who under those circumstances had committed their dearest interests to the hazard of a change.

Far different indeed was the state of France. The attainment of such a government was absolutely impossible. They had a despotic monarch supported by a mercenary army—by a numerous body of nobility, the political janissaries of the crown, who prescriptively held all military command—who were favoured as a distinct race with peculiar immunities by law, and yet greater privileges by the habitual superiority they assumed ; whose pride was pampered, and whose indolence was fed with the spoils of the people ; who, besides engrossing all the military, and most of the civil appointments under the crown, divided annually one million and a half

a half sterling of the public money under the denomination of pensions. The other pillar of despotism was the church. This establishment in France, originally framed to support the dominion of a foreign pontif, had transferred its obedience to the monarch, retaining the spirit of its institution. This body, thus constituted, were not only bound to the throne by the interest of the order, but by the yet more prevailing interest of individuals, who looking up to the monarch for preferment, endeavoured to merit his grace and favour by sedulously promoting the views of the court. The clergy moreover were linked and blended with the nobility, whose younger sons held the richest benefices—and this mass of power was consolidated by a landed revenue, exceeding five millions sterling of annual rent.

Mr. Rous.

Who that viewed this system of power could believe that its overthrow approached? The devouring claims of the subordinate instruments of a despotic power exhausted the treasury of the monarch. With a payment of eight millions to the public creditors, and twenty-three millions of annual revenue, an increasing arrear compelled the king to convene a representation of the people.—And the defection of the common soldiers left the whole power of the state in their hands. To abolish the despotism of the crown is admitted to be wise and just.—To prevent the restoration of this power became a necessary duty. Mr. Burke thinks this might have been effected, preserving the nobility

Mr. Rous. nobility and the church, because in the moment of their own humiliation, and of popular fervor, the instructions of these two bodies to their deputies, breathed the language of moderation, and did not openly claim those exemptions which had been one great cause of the general odium to which they were exposed. Are we to look for the spirit and temper of particular orders in public ostensible instruments, formed under such circumstances, or in their permanent interests and the habits of their lives?—Would not these men feel themselves degraded by the equality claimed by every subject in the state?—Must not many laws, galling and irritating to these two orders, have passed before the semblance of freedom could have cheered the great body of the people? Their old habits must have recurred, inflamed with all the rancorous passions which contention engenders.—A second revolt of the soldiery might have delivered the assertors of public freedom into the hands of enraged adversaries,—and if Mr. Burke, a bystander, a mere amateur of aristocracy, can so liberally devote the national assembly to a gaol, is it wonderful that these two orders should be sacrificed by that assembly to their own safety, and to that of the people they represent?

Mr.

MR. CHRISTIE.

INSTEAD of wondering at the revolution in France, the only wonder with me is, how a people in such an advanced state of civilization, and so highly enlightened, could so long put up with such an arbitrary and wretched system of government. The humane and liberal spirit of the times had indeed softened the features of despotism, as well as in some degree weakened its power. It was not possible to commit flagrant acts of oppression, nor to repeat them so often as in former times; but all the instruments of oppression still existed, and things were still in so bad a state, that it is astonishing how the nation supported it. When the *great Bastille* was demolished, not many prisoners were found in it; but it is to be recollected, that Paris had no fewer than thirty-five little Bastilles, or private prisons, whose existence was unknown; though a respectable judge, and a worthy man (M. Freteau), assures us, that in 1779 they contained more prisoners than the great prisons of the *Chatelet* and the *Palais*.

Letters on
the Revolution of
France, &c.

And what I think was still worse than its tyranny in the ancient government of France, because the effects of it were still more destructive to morals, was its corruption and its venality. From the highest to the lowest degree of it, all was a system of favouritism, instead of justice. Talents and

I

abilities

Mr. Chris-
tie.

abilities were nothing without interest, and the skill of flattering others. Books were written *sur l'art de plaire*; that was indeed counted the greatest of all arts. Hence no man reckoned upon success in any case from his *deserts*, but looked to the *favour* he could acquire with the great. Hence no man trusted to the goodness of his cause, but to the *protection* of some individual more powerful than himself. Hence honour, principle and manly spirit were destroyed, and the nation became a people of flatterers and hypocrites.

The first question then that occurs respecting this revolution is, *Was it necessary?*—Mr. Burke answers in the negative:—according to him, nothing was wanting but a *reform* of some abuses, which he does not seem to think very important; and this *reformation* might have been obtained without a *revolution*. Mr. Burke, who has not been in France for many years, and who appears to have drawn the information he received *here*, too frequently from suspicious resources, may really think that a reformation might have been accomplished in France without a revolution; but there is no judicious observer, who has resided in the country, and contemplated the state of it, who will assent to such an opinion.

From an attentive consideration of the former state of France, of the prevalence of ancient prejudices, and ancient habits, which can never be shaken off all at once, and still more from the dispositions and conduct actually manifested by the various *orders* of men, at the summoning of the *états généraux*,

raux, it is to me perfectly clear, that if the states had adhered to their ancient form, and continued to vote by distinct orders, the reformation so much hoped and wished for, would have ended in a mere farce—nothing great or effectual would have been done; even the disorder of the finances would not have been rectified, for each order would have struggled to have shifted the burden from itself, to place it on the shoulders of the others, till at last the magnitude of the evils on the one hand, and the spirit of party and contending factions on the other, would have produced universal confusion, and probably terminated in a civil war.

Mr. Christie.

All parties indeed concurred in acknowledging the necessity of a change in the government; but each concealed, under this general acknowledgment, a resolution to maintain the privileges of his own class or faction.

M. de Calonne proposed a mode of levying the taxes equally in France to the *notables*; but they repelled it, because it destroyed their privileges and *exemptions*. The marquis de la Fayette proposed, at a meeting of the same *notables*, to abolish *lettres de cachet*; but the nobles, though they admitted that great abuses had arisen from them, contended, that in some cases they might be useful, and negatived the marquis's motion. This is a striking fact, little known; and the whole subsequent conduct of the nobility was analogous to it. If they manifested any desire to humble the regal power, it was only, or chiefly, in order to advance their own. Had

Mr. Chris-
tie.

their plans been adopted, the people would have exchanged the tyranny of ministers for that of an aristocracy. But tyranny would still have reigned; and wise men might well have questioned, whether the second state would not have been worse than the first.

The nobles indeed, when assembled again at the *états généraux*, agreed to renounce their pecuniary privileges, and to grant other concessions to the people. But they had once refused these; and their agreeing to allow them afterwards was merely the effect of constraint, not of choice or conviction. By their refusal in the first instance, when they thought they might venture to refuse, we may discover what was the real spirit that actuated them; and then we shall not, like Mr. Burke and M. de Calonne, imagine that they grew generous all of a sudden, when the case only was, that they could no longer help being so.

Besides, the people of France had not assembled together at the states-general to ask or accept *favours* from the nobility. They came to demand their *just rights*. They wanted not *concessions*, but *justice*; and they wanted farther to establish a *constitution*, that should secure these rights to all classes of men for ever after.

A similar observation may be applied to a plan of reform which was given in by the king, at the royal session of January 23, of which some have made great account. Besides being inadequate, and expressly stipulating for the continuance of various

various abuses, such as the feudal and seignorial rights, tythes, the privileges of orders, &c. the very title of it was sufficient to pronounce its condemnation. It was termed, "*A Declaration of the Will of the King.*" Now, what the king willed to give to-day, he might have willed to take away to-morrow. For this reason M. de Lally objected to it, and said it ought to have been entitled, "Declaration of the Rights of the Nation, the King, and of Individuals."

Mr. Chrif-
tie.

This was by no means such a basis as the liberties of a people could be founded on. The French nation demanded of their monarch only what they had a just right to demand; and they would have been vindicated in refusing this, when offered in the form of *boon* or a *present*.

From the very beginning of the revolution, the private views of the different *orders* had roused the seeds of dissension. People demanded currently of each other, Are you for the *noblesse*? Are you for the *tiers état*? From the deliberations of these different classes no harmony could be expected, because the authors of them were all at variance. Every one was jealous of the other.

A visible jealousy of the *tiers état* was manifested in all the proceedings of the nobles. They took every method to lessen the number of deputies of that order, in all the primary elective assemblies. The grand constitutional operations that were going on, were every where troubled and interrupted by an invisible cause, which occasioned astonishment

Mr. Chris-
tie.

to spectators in general, but which intelligent men saw to proceed from the baneful SPIRIT of ORDERS.

M. de Lally Tolendal himself is far from vindicating the conduct of the nobility in all respects. He blames their jealousy of the *tiers états*. He censures them for listening to flatterers, who deceived them respecting their true interests, instead of consulting the salutary, though severe, voice of truth. He exposes their weakness in forgetting, that although they gained a point in their own chamber, it still remained to convince the nation of the propriety of it, and that until that was done, nothing was done. When they proposed to send their arret for the preservation of the three orders, and the absolute *véto* of the king, to the chamber of the clergy, M. de Lally opposed it. "To whom, and against whom," said he, "do you design to shew your *firmness*? Are you not afraid that your words will soon be retorted on yourselves? What signify all your extravagant measures, who are but a single *class* of men? It is by moderation and patriotisim alone that you can conquer the distrust of the people." He deplors that want of foresight which prevented their seeing, that, at such a crisis of public affairs, the very existence of the noblesse depended upon the admiration and gratitude of the people; that, in consequence, they could not support themselves any longer by force or intrigue, but must have recourse to disinterestedness and virtue. Nor was it, adds he, after all, a desperate situation, to be obliged to place

place our hopes of safety in that which was our honour and glory. Mr. Christie.

At a private committee held by the king on the 26th of June, where *monseigneur*, the count d'Artois, and all the great nobles were present; the duke of Luxembourg, president of the order of *noblesse*, declaimed to the king, in the most pathetic manner, against the union of the orders in one assembly. He declared that he came to make a last effort for the *cause of the crown*; that if the states meet in separate houses, they would be obedient to the throne; but if they were united, they would be omnipotent, and controul it. In whatever manner, said he, they are composed, they will have this absolute authority. “ *Mais leur division en trois ordres enchaîne leur action, et conserve la vôtre. Réunis, ils ne connoissent point de maître; divisés, ils sont vos sujets*.*” He concluded his speech with a solemn declaration, that this was the only plan to save the power of the throne: that the noblesse would ever adhere to their monarch; and if their order suffered in his cause, “ *Elle sauvera l'indépendance de la couronne, et frappera de nullité les opérations de l'assemblée nationale†.*”

At length, says Monsieur Lally Tolendal, the danger became urgent. The commons, irritated

* “ But their division into three orders *fetters* their action, “ and preserves yours:—united, they know no master; divided, “ they are your subjects.”

† “ It will save the independence of the crown, and stamp “ with nullity the operations of the national assembly.”

Mr. Chris-
tie.

by contradiction, by the accounts given them of what passed in the conferences, by strange insinuations which brought forth all the seeds of discord, began to be carried farther than their own intentions. The noblesse saw this, not with the firm wisdom of political courage, but with the violent passions of military bravery. There was danger, and it was to be braved ;—force was to be opposed to force, &c.

Thus matters went on, until at last it came to a state of open war between the orders. The king, according to his own declaration, “ remained *alone* in the midst of the nation, occupied in the “ re-establishment of concord.” He demanded peace from all the orders ; but each of them thought of nothing but to bring him over to their party, in order to combat the others with more success.

Such then were the *nobles*, as an *order* in the state, avowing an interest different from that of the people ; endeavouring, by every method, to diminish the power of voting in favour of *exemptions*, *lettres de cachet*, and the *Bastille* ; proposing a league with the crown to support its despotism, in order that, in return, they might receive from it a similar support ; and lastly, counselling the king to prevent the union of the orders, that he might retain a controul over all, and be able at pleasure to annihilate the power and proceedings of the national assembly.

The *clergy* were in a similar state, not indeed
with

with respect to *numbers*, but from the effect of *influence*. A majority of them, poor and oppressed, earnestly desired a reform, and had no other interest than that of the people at large. But under the ancient system, they were accustomed to bow to the earth before their superiors. Their whole habits of life were formed to submission to the great prelates, their whole hope of success depended upon their favour; they would have come into the senate-house, trembling before their masters, and pronounced on every question proposed only those answers which they dictated to them.

Mr. Christie.

Thus was there a majority of two orders against all effectual reform. The fact was manifest to every man of reflection in France; and, therefore, the destruction of the orders, the total unhinging of the ancient form of the constitution, in other words, the *revolution*, was deemed the first step towards the reformation of abuses; the only measure that could save France, and extricate her from the complicated evils into which she was plunged.

It is impossible to review the ancient state of things in France, without being convinced that the abuses were too inveterate to yield to any *palliative*; that no half measure would have been effectual; that nothing but a total revolution was equal to the cure. They wanted amongst them the very principles of a constitution. Any good that existed was owing to accidental circumstances, and was of a temporary and precarious nature.

Mr. Chrif- nature. So far as the government interfered, all
 tie. was mischievous.

The marquis de Sillery confirms this representation, in a short view that he takes of the former state of France, in his opinion *sur la permanence de l'assemblée nationale*, &c.* I shall just translate one passage from him. "The last reign (that of " Louis XV.) offers nothing to our view, but the " most shocking picture of ministerial power, eternally active and vigilant to oppose every regulation " that could diminish its influence, and sacrificing " the highest interests (of the people) to the most " contemptible intrigues of the court—A general " of the army (the marechal d'Estrée) receiving an " order of recall, in consequence solely of the caprice of a mistress, in the midst of 70 standards " of the enemy, which he had taken possession of " (after the battle of Hufteimbek) — a rigorous " inquisition—an eternal watching of spies—that " infamous Bastille, always filled with the victims " of arbitrary power, &c."

"Can humanity regret," says an able writer, "that iron age, in which a distressed and miserable people, benevolent and oppressed, adored their king, at the very time when, *in his name*, their means of subsistence was torn from them; that age when an honest man could never say to himself, "I am in safety; the laws watch over me." For, which of us, for twenty years past, would have dared to have

returned an answer to one who should have said to him—*To-morrow perhaps you will be in the Bastille !*" Mr. Christ.
tie.

Sabatier, the aristocratic journalist, who is surely a fair evidence to appeal to with respect to the evils of the ancient system, as he cannot be suspected of any design to exaggerate these, says, " If your assembly had had any sort of genius, it would have said, at its commencement, to the king, and to the nation, ' Here is the debt ! and here are our resources ! You have called us too late—*our bankruptcy took place long ago*—and we now can give you nothing but a constitution.' Then you would have left to the former government the burden and the shame of this bankruptcy ; and you would have marched with a firm and unincumbered step towards the constitution." Thus a writer to whom I think Mr. Burke owes many obligations, has totally overturned one of his principal arguments.

The ancient laws which fixed the constitution of the kingdom, if it deserves the name of constitution, were scattered through a thousand volumes, many of them uncertain, many become obsolete ; many controverted, limited, or abolished, by arrests of council, and other arts of arbitrary power. Mr. Burke would have had the assembly, like a society of antiquaries, to sit down and waste half a century in poring over old charters, in examining *precedents*, to form some kind of regular system out of a mass of dust, contradiction and confusion. This would indeed have been to respect *antiquity*, but at the expence of *utility*. It would have been to reform
by

Mr. Chrif-
tie.

by ingrafting new principles on an old stock, but it would have ended in no reform at all.

So inveterate were the ancient abuses, so interwoven with the very existence of the ancient constitution, that it was impossible even to know their source or extent without a total revolution. The agents of power trembled at the consequences of exposing to the people the atrocious secrets to which they were privy, even though they derived no advantage from them. How long had the assembly sat, before any thing like an idea of the state of the finances could be obtained? M. Neckar published his "*Compte Générale des dépenses et des revenus fixes, au 1^{er} Mai, 1789.*" It was the best account he had the courage to publish, and far better than any that had appeared before. But, does any man now consider that as a true account of the state of the public expenditure? Said it one word of the unaccounted millions of the *livre rouge*?

If it be argued, that the ancient system in France could not be so bad as some represent it, because the country on the whole flourished, and population increased, I will reply, that dreadful indeed must be that government which, in a civilized kingdom, prevents the population of a country. Men increase by the laws of nature, not by the laws of states. Civilization was highly advanced in France, and it obviated many of the effects of a bad government. The government had no share in augmenting the population of France. So far as its influence extended, it was hostile to it; but, bad

as it was, it could not overpower the strong effects of natural causes. The government made the poor man buy salt at three times the price it should have cost; and when he had it, the half of it was earth and dirt. The government laid heavy taxes on him, and exempted the nobles and clergy, who were best able to pay them; and these exemptions were multiplying every day. It is true, great men cannot live without poor men; and therefore it was necessary for the grandees in France to keep the people *in existence*. But they paid them miserably little for their labour, and kept them in a state of gross ignorance, poverty and depression. They were deprived of the rank and dignity of man; they seemed to exist only as *animals*; "the mind was slain amongst them." Population is great in Turkey. I never heard of any class of beings that did not increase their numbers, except the slaves in the West-India islands.

Mr. Christie.

It may be added to these remarks, that the government of France was not invariably nor anciently bad. Much of the prosperity of the kingdom was owing to its ancient state, and to the remains of original freedom. For it is a position never to be forgotten, that France was originally free. The influence of a good monarch, or a wise minister, served farther to check the operation of malignant causes. All I contend for is, not that there was not a great deal of happiness in France, but that that happiness was accidental, precarious, uncertain; and that the government, at any rate, was not the cause

Mr. Christie.

cause of it. France was populous; France flourished, if you will; but it was *in spite* of her government.

Mounier declared in the national assembly, that France had then *no* constitution. He admitted that there were some good fundamental laws: "But notwithstanding these valuable maxims, we have not a fixed or complete form of government: we have not a constitution, because all the powers are confounded—because no boundary is traced out. The judicial power is not even separated from the legislative. Authority is dispersed; its various parts are always in opposition; and amidst their perpetual shocks, the rights of the lower class of citizens are betrayed. The laws are openly despised, or rather we are not agreed what ought to be called laws."

In another place he says, "Even those who maintain that we have a constitution, own that we ought to improve and complete it. Our objects are then the same," &c.

Lally Tolendal will certainly be owned by Mr. Burke as a fair authority. Let us hear then his description of the state of France, in August 1778, a year before the revolution:

"The king was imposed upon.

"The laws were without men to execute them, and twenty-five millions of people were without judges.

"The public treasury was without funds, without

credit, without any means to prevent a general bankruptcy, which was indeed only at a few days distance. Mr. Chrillie.

“Established authority was without any respect for particular liberty, and without force to maintain public order.

“The people without any other resource than the states-general, and without hope of obtaining their meeting.”

Mr. Burke has observed in a former publication, that *general* rebellions never arise without urgent causes; a whole people never rise up against their government, unless it be excessively bad. This affords one of the strongest arguments possible to prove that a revolution was necessary in France. For there never was, in any age or country, so general a rising up of the people against their government, as took place there. The records of history afford no parallel to the French revolution. The changes in other nations have been effected by the will of a few, often by that of a single individual. But where have we seen a whole nation of twenty-five millions of people rise up like one man against their government? Is it possible to conceive that a government was good, or but slightly evil, which excited this universal resistance? I call it *universal*, for the distinction of *patriots* and *aristocrats* was not known at the beginning. Events require causes. What could have actuated this immense mass of men? Had they no motive at all? Were all classes, and all ranks, suddenly seized

Mr. Chris-
tic.

with a mere frenzy of reforming madness? Either this must have been the case, or a total revolution was necessary.

We seem now to have got some length. I flatter myself every disinterested reader will be convinced, that a *radical reform* was necessary in France ; and that such a reform could not have been obtained, if the ancient establishments of the kingdom, with all their old habits and prejudices, had been kept up ; in other words—that it was necessary to destroy the ancient powers, and to form new ones, or—to make
2 REVOLUTION.

ANONY-

ANONYMOUS.

THE last sparks of the flame of liberty in France seem to have been extinguished by cardinal Richelieu, in the capture of Rochelle, and the final reduction of the Protestants.—And in the succeeding reign it is well known how low the national character was sunk and degraded, by the incense and adulation offered at the shrine of an ambitious and imperious despot. The glorious and successful resistance of England to the tyranny of the house of Stuart at that period, seemed to make little impression upon the minds of the French. All public duties and civil obligations were supposed to be comprehended in the term *loyalty*; and the abdicated monarch of Great Britain was regarded in France, as a sovereign unjustly and iniquitously divested of his crown, by a treasonable conspiracy of his heretical and rebellious subjects. The efforts made by Louis XIV. to restore that wretched bigot to the throne of these kingdoms, met with the universal applause and approbation of his people, who considered them as acts of the most exalted heroism. During the whole of that reign, and for many years afterwards, no symptoms appeared of any considerable change in the public system of thinking. When the duke of Orleans, regent of France, was urged to correct some of the more flagrant abuses in the state, he replied, “I am ready for reformation, but the age I live in is

Historic
Memoir of
the French
Revolution.

K not.”

Anonymous. not." And it was about the middle of the century that the dawn of a new and more enlightened æra was first discernible in the opposition of divers of the parliaments, to the arbitrary mandates of the monarch. The times, however, were unfavourable to the success of their efforts ; which were not, perhaps, directed by the dictates of sound policy, so much as by the impulse of passion and resentment. And before the conclusion of the reign of the late king, every prospect of a melioration of the constitution, or a reform in the state, seemed totally blasted, by not merely the suspension or banishment, but the absolute annihilation of the parliament of Paris, in consequence of reiterated acts of disobedience to the royal authority, and the substitution of a new court wholly dependent upon the crown. At the accession of the present sovereign, however, who was anxious to acquire the confidence and affection of his people, which his predecessor had so justly forfeited by the tyranny of his public, and the profligacy of his private conduct, the parliament of Paris was restored, and with it the hopes of the enlightened part of the nation revived ; and though severe restrictions were imposed upon that assembly by the new monarch, they soon demonstrated by their conduct, that they were fully sensible of their own dignity and importance, and resolutely determined to preserve their rights and privileges sacred and inviolate. The fact was, that a mighty revolution had now taken place in the minds of men ; and they
well

well knew, that their opposition to the oppressive measures of the court would meet with the highest applause, and the most zealous support from the nation at large. A new class of illustrious writers had arisen, the perusal of whose works had, as by some potent charm, dispelled the clouds of darkness, ignorance, and bigotry, in which the nation had been so long enveloped. Voltaire, Helvetius, Montesquieu, and Rousseau, appeared most conspicuous in the band. And though it must be acknowledged, that the radical ideas which they inculcate respecting the abstract theory of government, the nature of the social contract, the unalienable right of toleration, and the true and genuine spirit of laws, were transplanted from the English philosophers; yet were they exhibited by these great men in a garb so striking, so attractive, so captivating, that delight and conviction accompanied each other. Never did philosophy boast so glorious a triumph. Never were reason and truth so rapidly and extensively diffused. And the alliance with America, which was the result of the mad and ruinous politics of Great Britain, indelibly established the impression in favour of liberty, by affording them an opportunity of bringing their speculative principles into act, and of fanning the rising flame, by transferring that spirit which pervaded the circles of domestic life, into the grand and interesting scenes of civil and military transactions. After the successful termination of this war on the part of France, which was not effected but at the

Anonymous.

Anonymous.

expenditure of an enormous addition to the load of public debt under which she already laboured, on an accurate investigation into the state of the finances, it appeared that the expenditure of the nation exceeded by a very enormous sum its annual revenue, notwithstanding the numerous reductions made by the court, of the ancient civil and military establishment. A grand effort of government, therefore, became necessary, in order to supply this alarming deficiency, by the imposition of new and heavy taxes. But the parliament of Paris peremptorily refused to enregister the royal edicts issued for this purpose. Provoked by resistance, the monarch held in person a bed of justice, and commanded the proper officers to enregister the edicts. At the next meeting of the parliament, the act of the officers was declared null and void ; as proceeding from compulsion, and destitute of legal authority. The banishment of the parliament was the immediate consequence of this bold resolution ; and the establishment of a new court, styled “ *La Cour Plénière*,” attempted, in order to execute its necessary functions. But the spirit of resistance became universal. Those who presumed to accept of seats in the new court, were, by the concurrent resolutions of the provincial parliaments and municipalities, declared enemies to their country. The common course of judicial proceedings was interrupted. The civil government seemed to have lost its energy ; tumults every where prevailed, and matters were to appearance rapidly verging to a state of anarchy and

and rebellion ; when the king, who was manifestly ^{Anonymous.} destitute of that vigour which could alone oppose with effect, and of that wisdom which gives dignity to concession, suddenly determined to recal the parliament, and at the same time to convene a meeting of the *notables* of the realm—or to assemble, agreeably to ancient custom in France, a convention of the most considerable persons in the kingdom, of all ranks and orders, for the purpose of advising the crown in difficult and dangerous emergencies. On examination, this assembly discovered, that the most flagrant embezzlements had taken place in the royal treasury. The downfall of M. de Calonne, the comptroller-general of the finances, was the immediate result of this discovery ; and the elevation of M. Neckar, who had formerly occupied that important station. The *notables*, however, acknowledged their total incompetency to reform the abuses, or relieve the embarrassments of the state. And they concluded their deliberations, by advising the king, without delay, to convoke the states-general of the kingdom, who alone possessed sufficient influence and authority, to apply those remedies, which the political disorders of the state rendered indispensably necessary. This had in fact been for several years past the grand object of the hopes and wishes of the people. And the inflexible resolution of the parliament of Paris, not to enregister the edicts of the crown, was apparently, and almost avowedly, directed to the accomplishment of this purpose. The monarch, seeing himself without resources,

Anonymous. alarmed at the critical and dangerous situation to which he was imperceptibly reduced, and desirous to regain the affections of the people, at length declared his resolution to convene the states-general, which had not met since the year 1614. This resolution was chiefly ascribed to the influence of M. Neckar, who, in December 1788, made a report to the king in council, relative to the principal points necessary to be ascertained previous to the actual convocation of that assembly. According to ancient form, the states of the kingdom consisted of three distinct orders; the nobility, the clergy, and the *tiers état*, or commons, who sat in separate houses; and the questions which came under their discussion, were determined by a plurality of orders. Also the different bailliages or districts into which the kingdom was divided, notwithstanding their extreme disparity with respect to extent, riches, and population, were empowered to elect the same number of deputies; and when actually assembled, the votes of each house, or *chamber*, were collected, not individually, but by bailliages; and the number of deputies of each order was precisely the same. It is evident, therefore, that the constitution of this assembly was radically defective; and that the share of influence and authority possessed by the commons, or people, for whose benefit alone the powers of government ought to be exercised, was extremely limited and circumscribed; and that, by a junction or combination of the two higher orders, they might be rendered wholly insignificant and useless. And

as the majority of the nobility and clergy would ^{Anonymous.} naturally be devoted to the interests of the crown, which would also possess great influence in the election of the deputies of the smaller bailliages, it is no less evident, that the whole assembly would be so much under the controul of the sovereign, supported by the power of the aristocracy, that no hope could be entertained of any effectual reformation of the political evils and oppressions, by which the kingdom was reduced to a state the most deplorable, and to which it had so long indignantly submitted. As the first and most indispensable requisite, therefore, to elevate the commons to that ascendancy in the scale of power which they were entitled to possess, the people were secretly encouraged and incited, by those whose profound sagacity at this period happily modelled and guided the opinions and conduct of the public, to present petitions to the throne from every part of the kingdom, that the number of deputies of the third estate might be equal to that of the other two orders united. This was a request in itself not very acceptable to the monarch, or the ministers of the crown; but as it was now the policy of the court to conciliate the affections of the people, it was determined to gratify them in this particular. "For," as M. Neckar observes in his Memorial, "the three orders being authorised, by the ancient and established constitution of the states, to deliberate and to vote separately, the number of deputies of which each order may be composed, does not seem a question of sufficient importance to excite

Anonymous. that degree of vehemence with which it has been agitated." And the king passed an ordonnance in council, that the number of deputies of the "*tiers état*" should be limited to six hundred ; and that of the higher orders to three hundred each. Thus was a question decided in favour of the people, of far greater importance than the monarch and his confidential advisers had the most distant suspicion of.

On the 5th of May 1789, the king of France opened the states-general in regular form, by a gracious speech from the throne. It was universally understood, that the crown was prepared to make very considerable concessions in favour of the people, in return for the pecuniary aids which the urgent necessities of the state constrained the sovereign to solicit, in order to avert the ruin which seemed impending over the kingdom. The royal writ for the convocation of the states, after a frank confession of the embarrassed state of the national finances, and some injunctions relative to the mode of electing the deputies, expressly recommends, " that the said deputies shall be furnished with instructions, and general powers, to propose, remonstrate, advise, and consent to every thing which may concern the wants of the state, the reform of abuses, the establishment of a fixed and durable order in all the departments of the administration, the general prosperity of the kingdom, and the welfare of all and every one of our subjects—promising them to ask, and with a favourable ear to listen to the advice of the said
states

states, upon every thing that can interest the welfare of our people; and to make such provisions in regard to the grievances and propositions which may be presented to us, that our kingdom, and all our subjects in particular, may experience for ever the salutary effects which they have a right to promise themselves from such and so able an assembly." The expectations of intelligent persons were now raised to the highest pitch of elevation, whether they contemplated the state of imbecility and dependency into which the crown had actually fallen—or that illustrious combination of talents and virtues which the assembly of the states exhibited to their view—or the spirit and temper of the times, and those great attainments in every branch of speculative knowledge which had prepared the minds of men for the most daring political innovations, if conducive to real and practical improvements. Before the states could enter into the business of the kingdom, it was necessary that each deputy should *verify his title*, as it was termed, or authenticate his deputation. And here the spirit by which the deputies of the commons, or the *tiers état*, was actuated, became at once fully apparent. They firmly insisted, that this verification should be made in one common assembly of the three orders united; and that all questions which might arise should be decided by a majority, not of orders or of bailliages, but of votes collected individually. This was a claim which totally and radically subverted the ancient constitution; and it was resisted by the whole weight

Anonymous.

Anonymous.

weight of regal influence, as well as by the peremptory declarations of the nobility and clergy in vindication of their rights and privileges, and reprobating in the strongest terms these alarming and dangerous innovations. In this critical situation matters continued for some weeks; during which interval, the king proposed a plan of conciliation, agreeably to which, some questions were to be debated by all the different orders in conjunction, and others in their separate assemblies. This was respectfully declined by the commons, and haughtily rejected by the nobility. The *tiers état*, however, gradually gained ground, particularly amongst the clergy, who were probably sensible that the contest must finally terminate in their favour. And being strongly supported by the general voice of the people, and actually joined by about fifty of the nobility, with the duke of Orleans at their head, and nearly one half of the clerical order, they ventured, on the 17th of June, to declare themselves the NATIONAL ASSEMBLY. The king, highly offended at their rashness and presumption, immediately signified his pleasure to hold a royal session; in which he declared, that the distinction of the three orders is essential to the ancient constitution of the kingdom—and that the deputies from them, sitting in three chambers, but uniting occasionally with the approbation of the king, are the only legal representatives of the nation—that he annuls, as anti-constitutional, the resolutions passed in the assembly of the *tiers état* on the 17th; and concludes, “ I order you to meet to-morrow,

each order in its separate chamber, and resume your sessions." On the morrow, however, the national assembly continued to exercise its functions, and even received an addition to its numbers. And on the 27th, the king found himself under a necessity of writing to the higher orders to join the *tiers état* in one common assembly, that the business of the nation might no longer be impeded. This was a great, but reluctant and precarious concession, extorted by fear, and easily revocable at the pleasure of the monarch, who now began to listen to counsels which justly excited universal consternation. Neckar and Montmorin, the popular ministers, were dismissed. Troops were collecting from all quarters, and encampments forming in the environs of Paris and Versailles. This occasioned a most spirited and energetic remonstrance from the assembly to the king, in which they complained in language new to kings of France, that the freedom of their deliberations was alarmingly and unconstitutionally interrupted: and they desired, or rather insisted, that the troops, which were composed of foreign as well as national regiments, might be remanded to their stations; and that a national guard might be raised in Paris and Versailles. In consequence of this intimation, the city of Paris immediately embodied a numerous corps, under the appellation of the National Guard; and the example of the metropolis was rapidly followed, by every considerable town throughout the kingdom. The king's answer to the

Anonymous.

Anonymous. the remonstrance was evasive and unsatisfactory; and the passions of the people being violently inflamed, a most extraordinary and memorable insurrection took place in the city of Paris on the 14th of July, when the fortress of the Bastille was stormed and captured by the citizens—the king's troops refusing obedience to the commands of their officers, and some even joining themselves to the insurgents. The count d'Artois, and the other leaders of the aristocratic party, sought for safety in flight; and the king was compelled to throw himself upon the protection of the national assembly. Neckar and Montmorin were reinstated in their offices, and a new administration formed. In consequence of this revolution in affairs, great excesses were committed by the populace, in all parts of the kingdom, upon the persons and properties of those who were supposed attached to the aristocratic party; and in numerous instances, outrages, shocking to humanity, were perpetrated. The national assembly, and the ministers of the crown, endeavoured in vain to restrain the fury of these lawless plunderers and assassins, who seemed rather to aim at the subversion of all government, than the mere reformation of abuses. At length, however, the popular rage seemed exhausted by the violence of its own efforts, and the course of things seemed gradually tending to a regular and settled state. By the end of September, the assembly had agreed upon the primary and essential articles of the new constitution, which were presented to the king,

king, who did not indeed refuse the royal sanction, though dangerously accompanied with a *salvo* for "the ancient, essential, and constitutional prerogatives of the crown." When we consider the nature of these articles, we cannot wonder at the reluctance discovered by the monarch to ratify them. They import, in substance—That the king is himself subject to the laws—that the legislative power is vested in the assembly of the representatives of the nation—that the executive power alone resides in the person of the king, and that justice shall be administered in his name, but by tribunals not subject to his controul, according to the principles of the constitution, and the forms determined by the law. The reserve of the monarch, however, was justly considered as a decisive proof of the secret prevalence of aristocratic counsels. And the queen was universally charged with exerting all that influence which she was known to possess over the mind of the king, to persuade him to refuse, or qualify, his assent to the establishment of a free constitution. Preparations were discovered to be in train, in order to facilitate the retreat of the king to Metz, where the royal standard was to be raised, as the signal for involving the nation in all the horrors of a civil war; and the banished *aristocrats* were deeply engaged in various machinations for the advancement of this nefarious project. More than ever inflamed and enraged by this intelligence, another popular insurrection, of a nature still more astonishing and unparalleled than

Anonymous.

Anonymous.

than the former, took place October 6th, in which the palace of Versailles was actually besieged; the king and queen were made captives, and conducted in triumph to Paris; and the palace of the Tuilleries was assigned as the place of their future residence.—The effect of this violence on the person of the sovereign, was an immediate, explicit and unconditional acceptance on his part of the articles of the constitution formerly presented; and the national assembly proceeded to carry into effect the plan which they had concerted for the renovation of the French monarchy, and the establishment of a free and permanent constitution.

The reflections of Mr. Burke on the late revolution in France, appear to breathe the genuine spirit of an haughty *aristocrat*. The radical positions of Mr. Burke are these:—That the political constitution of France was, previous to the revolution, a good one—very nearly as good as could be wished—although the lives and fortunes of thirty millions of people were subjected by it to the arbitrary will and pleasure of one man:—That this good constitution might have been farther meliorated and reformed, and even new-modelled, agreeably to the principles of the English constitution, without danger or difficulty:—That the new constitution of France is destructive of the public order, and incompatible with the public happiness. And in his eager attempts to establish these strange positions, he is chargeable with the most egregious ignorance, or the grossest misrepresentation both of facts and principles.

principles. "The king," says he, "from the be-
 "ginning, surrendered all pretence to the right of
 "taxation. Upon a free constitution there was
 "but one opinion in France. The absolute mo-
 "narchy was at an end. It breathed its last with-
 "out a groan, without struggle, without convul-
 "sion. All the struggle, all the dissension, arose
 "afterwards upon the preference of despotic demo-
 "cracy to a government of reciprocal controul.
 "The triumph of the victorious party was over the
 "principles of a British constitution." Is it
 possible? Yes—and for the truth of these per-
 emptory charges we may rely upon the authority
 of Mr. Burke, who does not indeed favour us either
 with facts or arguments in support of his assertions,
 but who assumes, and, to do him justice, admirably
 maintains that lofty and imperious tone of decla-
 mation which, with the majority of readers, at least
 for the moment, answers the purpose much better.
 "The king, from the beginning"—but of what
 period?—"surrendered all pretence to the right of
 taxation." How noble and generous to surrender
 what he had in vain used every means in his power
 to enforce, and what all France knew it was no
 longer possible for him to retain! When this claim
 was surrendered, however, the absolute monarchy
 was, in Mr. Burke's opinion, at an end. Still the
 legislative, the judicial, the executive powers were
 united in the person of the monarch. And a con-
 stitution in which the monarch possesses all the
 powers of government, the power of taxation ex-

Anonymus.

Anonymous.  cepted, is in fact the very worst species of despotism. And this, as Mr. Hume has justly observed, is the actual situation of the government of Turkey; in which the imposition of a new tax is contrary to the express injunctions of the koran, and the sultan is therefore under the necessity of replenishing his treasures by acts of the most dreadful and destructive individual oppression. The right of taxation, when exercised by the representatives of any nation, may indeed, and probably will, be made the instrument of establishing a free constitution: and to the accomplishment of this greatest and most laudable of all purposes, the national assembly of France invariably endeavoured to employ this new acquisition of authority. In the space of a few months, they had formed the general plan of a constitution, in which the executive, legislative, and judicial powers were for ever separated from each other by permanent and irrevocable limits. So far, perhaps, Mr. Burke will have the candour to admit, that they adopted the principles, and acted in conformity to the spirit, of the English constitution. And it is notorious, that it was the king's refusal to ratify these fundamental principles of all just government, and the well-founded belief of a determination in the court, to resist, by force of arms, these formidable attacks upon the prerogative which gave rise to the ever memorable insurrection of October 6th, which, dreadful and sanguinary as were many of the circumstances attending it, and which Mr. Burke has painted with the dark and
savage

savage pencil of a Spagnolet, doubtless averted from the nation the calamities of a civil war, in which it was manifestly on the eve of being plunged.—Mr. Burke, indeed, assures us, that “resistance was made to concession,—that the revolt was from protection,—and that the blow was aimed at an hand holding out graces, favours, and immunities.” And elsewhere, speaking of the admiration, rising almost to idolatry, which the people of France entertain for the memory of Henry IV. he asserts “that Louis XVI. whom they have *deethroned*, has, in the course of his reign, done infinitely more to correct the ancient vices of the state, than that great monarch did, or than we are sure he ever meant to do.” We have all heard, I presume, with admiration, of the great things performed by Henry IV. and of the still greater which, if any credit is due to the duke of Sully, he had in contemplation. But of the infinitely greater things performed, or meditated by the present king, for the welfare of the state, I acknowledge myself perfectly ignorant. Nor does that famous record of modern French history, the “*Livre Rouge*,” furnish, as I recollect, a single proof of this extraordinary assertion. The convocation of the states was a measure, not of choice, but of dire and urgent necessity. And though, with respect to general rectitude of disposition, it would be injustice to affirm, that Louis XVI. falls below the level of the kings his predecessors or contemporaries, yet it is a melancholy truth, that the people may suffer as much under the government

Anonymous.

L

of

Anonymous. of a weak, as of a wicked prince. And the political concessions which he was prepared to make, in return for the pecuniary aids which he solicited, fell prodigiously short of that radical and permanent reform which the people had a right to demand, and which they also happily possessed the power to enforce. The king of France is not, and never was, the object of the national hatred or vengeance. No monarch could reasonably be expected voluntarily to divest himself of the authority transmitted to him from his ancestors. But neither could the representatives of a great and enlightened nation be expected to divest themselves of their feelings as men and citizens ; nor, from a weak and vicious complaisance to the hereditary prejudices of royalty, to act in a manner incompatible with the sacred obligations incumbent upon them as such, and with the high character they sustained as the assertors of the national liberty. In consequence of the heroic exertions which the spirit of liberty only could inspire, absolute monarchy has, indeed, to adopt the words of Mr. Burke, “breathed its last” in France—but not, as he asserts, without a groan. No. It expired in convulsions too dreadful to be lasting. But Mr. Burke is an admirer of quiet and peaceable revolutions. If daring metaphors would supply the place of daring actions, he would be the first to exclaim, “What man dare, I dare !” And his notions respecting the facility and urbanity with which this wonderful change in the state might have been effected, seem to resemble those of Bayes in the
Rehearsal,

Rehearſal, where we ſee kings politely requeſted to deſcend from their thrones, and moſt politely and obligingly complying with the requiſition. Mr. Burke affects to ſpeak with contempt of the “ chill philoſophy” of modern times ;—but what philoſophy ſo chill as that which refuſes to make any allowance for the temporary exceſſes of an oppreſſed and exaſperated people, in a moment of delirium, agitated at once by the frenzy of joy for the actual overthrow of deſpotiſm, and of terror at the apprehenſion of its re-eſta- bliſhment !

Anonymous.

SIR BROOKE BOOTHBY.

Letter to
the Right
Hon. Ed-
mund
Burke.

IF a free and equal constitution could have been erected in France on the foundation of the old establishment, I am ready to allow that to level all without distinction was a rash and dangerous experiment. But this does not appear to have been the case.—A century and half of despotism had so warped and moulded every institution to the support of the omnipotence of the crown, and to the annihilation of the liberty of the subject, that they could not be used for the contrary purposes. If the four estates had continued to meet in their ancient form, the nobles, the church, and the crown, possessing, each of them, powers utterly inconsistent with a free constitution, would have united to render the representatives of the people, *le tiers état*, a mere nullity. The change from liberty to slavery may proceed by silent lapse, but illegitimate force must be wrenched by violence from the strong hand of power. The tyranny of France could only be overturned by the great mass of the people. When this vast and unwieldy machine is once set in motion, no mortal arm can exactly direct its force, or determine its momentum. We know that mankind in the aggregate must be forced into activity by the immediate impulse of some strong passion, and that their action will therefore always be accompanied with some violence and some excess. We know too that change itself cannot be wrought
without

without disturbance and disorder ; the decomposition and combination of elements will be attended with commotion and effervescence. But where much is to be obtained much may and ought to be hazarded : the utmost that human prudence can provide against future contingencies is to secure the probabilities, the rest must necessarily be left to the great arbiters, time and chance, to eventual courage and eventual ability. The destruction of an inveterate tyranny, and the probable establishment of a free constitution, must be always considered as cheaply purchased at the expence of a few years anarchy and disorder. In all ages those citizens who shall obtain for their country such advantages at such a price, will continue to be ranked among the great benefactors of mankind.

Sir Brooke
Boothby.

The question then is reduced to this : Whether the late government of France was such as ought to have been endured ? It must, I think, appear to every man who acknowledges the inestimable value of a free constitution, that it was not. A government where the foundation of all law is comprised in one short formula, FOR SUCH IS OUR PLEASURE —CAR TEL EST NOTRE PLAISIR ; where the personal liberty, and consequently the property and life of every individual, is held at the absolute will and disposal of one man, is a government shocking to the common sense and common feelings of mankind. Neither the hereditary succession of ages, nor the acquiescence of millions, can sanctify abuse or change evil into good. Wrong may be

Sir Brooke
Boothby.

endured, but it cannot be established. A bond in which no valuable consideration has been retained by one of the contracting parties, is void in law as well as in equity. Possession and prescription may be good titles *primâ facie*, but they must give way when higher claims and better rights are produced. I would consider it as a *datum* confirmed by the general sense and experience of mankind in all ages, that an absolute, or as you are pleased to call it, an unqualified monarchy is no where to be suffered.—The preservation of no order, no establishment, can compensate for this enormous evil.—Every humane mind will anticipate with heart-felt satisfaction the approach of that day, when the race of despots shall have disappeared from the face of the earth; and when, by their rusty coins and mutilated statues, they shall be known to have existed,—it shall be said of them, as of the giants of old,—“in those days there were tyrants in the land.”

But let us turn to the most magnificent spectacle that has ever presented itself to the human eye—A great and generous nation, animated with one soul, rising up as one man to demand the restitution of their natural rights.—When it was once determined that free constitution would be had, it appears to me that the nobles and clergy could not, with any safety, be allowed to enter the fortrefs in embodied strength. Their exclusive privileges and oppressive territorial jurisdictions were among the grievances most immediately felt by the people. They presented an eternal barrier to any substantial amendment

amendment of the condition of the commons. It is to know little of the temper of men born to high founding titles and lofty pretensions, to suppose that these bodies, possessing a commanding voice in the legislature, would have made a voluntary surrender of ancient powers and splendid distinctions derived to them through a long succession of ancestry, merely because these powers appeared incompatible with a free constitution. They must, on the common principles of prudence, habit, and inclination, have sided with the crown against the people. In this country it had been the policy of one of our ancient tyrants, under their old maxim *divide & impera*, to strengthen the hands of the commons by way of counterbalance to the haughty and ungoverned claims of his feudal barons*. From this impure source much good eventually flowed, that was certainly neither intended nor foreseen by the monarch of that day. The rank and title of nobility soon ceased to have any connection with territorial jurisdiction, and became attached simply to

Sir Brooke
Boothby.

* By the statute *De donis*, estates tail were rendered unalienable, and the large domains were of course settled in perpetuity. By the decision of the judges in *Taltarum's case*, 12 Edw. IV. common recoveries were allowed to bar an estate tail; and by the statute of 26 Hen. VIII. they were declared to be forfeited to the king in cases of high treason. By different statutes of Hen. VII. and Hen. VIII. a fine levied by a tenant in tail is allowed to be a complete bar to him and his heirs, and all other persons. Sir William Blackstone observes (2d Comm. 118), that it was the policy of Hen. VII. to lay the road as open as possible to the alienation of landed property, in order to weaken the overgrown power of his nobles.

Sir Brooke
Boothby.

a legislative and judicial peerage. Rich and powerful commoners and a substantial independant yeomanry began to form a real balance to the aristocratic part of the constitution ; in process of time it became the interest of both to unite, to circumscribe the unbounded pretensions of the crown. In this country every man who is not an actual member of the house of peers is a commoner. Every peer is born a commoner, and most of them have been at one time or other members of the house of commons in their own persons ; so that they carry up something of a popular spirit into the aristocratical assembly. Many of the leading men in the lower house look up to the peerage either as their hereditary right, or as the ultimate reward of their public services ; an aristocratic tendency has therefore always prevailed among the representatives of the people. The fact is that nothing of pure democracy, or pure monarchy, or pure aristocracy, in a distinct or separate state, is to be found in our constitution. The three principles are blended and tempered together into one common mass. They hold a joint undivided property. No line of demarcation can possibly be drawn between them ; nor can they ever be played off against one another. This is one of the beautiful anomalies of the English government, which disdains all the fixed and known rules of political grammar. This is the *unity of interest* which is the soul of our great drama : the key-stone of the arch : the centripetal force that confines these eccentric bodies within their orbits. Hence the extreme inequality of representation, which sounds so

ill in theory, almost disappears in practice. The fabric exists in unimpaired beauty and strength, not as is commonly supposed by preserving the balance between contending and discordant principles, but by the firm unison and strong texture of correspondent and homogeneous parts. It may, and probably will, sooner or later, be sapped by corruption, and its main timbers consumed by the dry rot of influence; but it has nothing to fear from wild theory or treacherous ingenuity, from the cashiers of kings, or the assertors of passive obedience and divine hereditary right.

Sir Brooke
Boothby.

The government of France exhibited the direct contrary of all this; an *unqualified* monarchy, a feudal nobility, a domineering hierarchy, an impoverished and servile people; divided interest and disjointed power. What was there here so well worth preserving? Were these the corner stones upon which you would have laid the foundation of a free constitution? By what common ties of advantage, what chain of gradual dependancies would you have held these irreconcilable parts, these jarring elements together? Till you have shewn what alchemy would have transmuted these base materials into silver and gold of standard currency, I must for one continue to think that to amalgamate them into the common mass, to resolve them into their natural individuality, and then to admit them to a fair and equal share in the benefits of a free constitution, was the best that could be done.—Perhaps, in the event, the noble families of France will not

Sir Brooke
Boothby.

not be found to have made so bad an exchange.—
When the storm subsides, landed property and hereditary rank will flow back into their channels.—
Instead of vassalage to the crown unworthy of a man to pay, and vassalage from the people unworthy of a man to receive, these patricians will find themselves among the leading representatives of a free people, the legislators of a great nation.

MR.

MR. CAPEL LOFFT.

THERE are two questions which naturally occur in contemplating the past and present situation of FRANCE;—whether a *revolution*, or great change in the government, by the interference of the power of the people, was *necessary to the security and welfare of that nation*;—and how far the means employed, the principles adopted, and the system actually introduced, have been promotive of success, adequate to the hazarding of those evils which always must be hazarded in the production of any great and general change.

Remarks
on the Letter
of the
Right Hon.
Edmund
Burke, &c.

As to the *first*, it may be observed, that the ordinary or extraordinary powers of the subsisting government had appeared inadequate to the exigence in the opinion of the *French monarch* himself and his advisers: particularly of Mr. NECKER; whose attachment either to the just interests of the crown, or the rights of the people, appears, so far as I have yet learned, unexceptionable.

When it was necessary for the maintenance of public credit, and for the support of the honour of the crown, to resort to some system of political organization, which might create a body invested with the confidence, and representing the will, of THE PEOPLE, it was necessary to make a change in the mode of administering the government; which, if permanent, must amount to a *revolution*: and assuredly it was too much to expect, that the people

Mr. Capel
Lofft.

people should submit to a temporary arrangement for the advantage of a part of the state, and not aim at a lasting provision for the whole.

At that time precedents were interruptedly, and thinly, scattered through a long period of time, and extremely various, with respect to the formation of an assembly of the states. After various instructions from the provinces, the *king* issued a *declaration*—which struck me as entering too much into the detail; that it was unsatisfactory, and liable to evasion in some very material, but yet subordinate points; and that as to others of really primary importance, it prematurely anticipated what might, with better prospect, have been left to be suggested in the assembly itself, by the zeal and discretion of some of its members. But I thought at the same time, that it contained hints very capable of being modified, so as to give the outline of a free and firm constitution; retaining so much of ancient usage as should obviate prejudice, and conciliate union; and adopting so much of new provisions as should secure the preponderance of public and general right. But this partition of legislative bodies, though perhaps essential to a permanent constitution, would probably have been incompatible with the great and necessary design of *forming* a constitution: to this, a *single* body, so constituted as the NATIONAL ASSEMBLY, seemed best adapted.

This was about the middle of the summer of 1789. The necessity of giving some determined

form, which should regulate the powers of the convention, soon became pressing: and, waving, for the moment, the discussion of the particular form adopted, a change of sufficient magnitude to be called a revolution was, on all hands, and the king particularly not excepted, almost unanimously desired. The very letter by which the STATES GENERAL were convened, summoned the deputies in such manner as to recommend expressly their being furnished with general and sufficient powers *to propose, advise, and consent to every thing which might concern the wants of the state, the reform of abuses, the establishment of a firm and durable order in all the departments of the administration; the general prosperity of the kingdom, and the welfare of all and every of the subjects.*

Mr. Capel
Lofft.

But with Mr. BURKE, it seems these inveterate abuses, these radical, and by all orders acknowledged defects, are little and fallacious motives, and very inadequate to justify a change. And, indeed, he seems to think, that the utmost political competency of a nation is to change the *persons* by whom its government is administered, and to make some circumstantial alterations, necessarily incidental, in the forms, retaining the substance of the constitution. Now certainly, before we examine whether a particular revolution which changes the political system of a people be necessary, we must be convinced,—if we can for a moment doubt it, that it is *competent* to the people for sufficient cause to change the constitution. Government, with him,

Mr. Capel
Loft.

him, seems a kind of interest, of which the usufruct only is in the nation, as a private estate under settlement is in the present possessors: and to him it is apparently, at least, doubtful, whether the people, under any subsisting government on earth, have a right to make the system which their ancestors have left them, other than they found it. They may, it seems, in extreme cases, remove the tyrant; but if the root of tyranny is interwoven in their political constitution, they must, in obedience to the obligations contracted for them by their ancestors, retain the radical vice of a government so established, because it has been established.

M. DUPONT.

I WILL own, Sir, that at the hazard of appearing a bad patriot to some of the innovators, the greater part of whose sentiments I have adopted, I would have strenuously opposed every sort of change in France, if our former government had been as good as yours, and if our individual liberty had been equally secured. But can we really compare the situation of the two countries? I am very far from thinking that a revolution is at all times, or in all respects, a happy event. But was it not become indispensable in France at the moment at which it happened? It was not the 5th of October on which it was effected, as you appear to suppose, by not looking for its origin to an earlier period, and detaining us so long on the detail of that dreadful day, the account of which ought to be torn from our history. The revolution was already effected, and the events of the 5th and 6th of October added to every other species of atrocity the most absolute inutility. It was on the days of the 13th and 14th of July 1789, that the contest originated between oppressive authority and rising liberty; it was at this moment that the French nation expressed its sentiments with the greatest energy, and obtained the most complete triumph. Trust me, Sir, since that period good citizens have frequently lamented the abuse of their power by some malicious or misguided individuals,

Answer to
the Reflections
of Mr.
Burke.

M. Dupont individuals, who can by no means be confounded with the body of the people, except by their enemies, who have an interest in representing them in the most odious point of view. You are too just, and too impartial, Sir, to attribute to the nation the crimes committed on the 5th and 6th October; and you know me sufficiently to be convinced, that I entertain the same sentiments as you, with regard to this melancholy transaction, which you so pathetically describe.

But permit me to remind you of some facts which happened previous to those days, and which have been mis-stated to you by some Frenchmen, whose interest it was to represent France, such as it ought to have been, and not such as it really was at the opening of the states-general. France, you say, needed then only to pay some new taxes in order to bring the public receipt and expenditure to a level. But did not the people, Sir, already groan under the load of subsidies so much the more oppressive, that they were exacted by the most arbitrary government. Had not a national bankruptcy been already pronounced by an *arrêt* of council? You talk of laws, of religion, of opinion, which tempered the effects of despotism, and made it exist rather in appearance than in reality. Laws, Sir! But had not the most respectable laws, and till that instant the most sacred, been violated? Was not Justice herself dumb? Anarchy prevailed in every part of the realm. Religion! But did it temper in France the effects of despotism in the period

period of ignorance, fanaticism, and superstition? M. Dupont
 Opinion! But was it not in general then expressed in opposition to the existing form of government? Were not men who are now most divided in interest, then united by the common interest of resisting oppression? Did not the officers, who complain with so much force and so much justice of the want of subordination among the soldiers, set the example of resistance to the execution of arbitrary and illegal orders? Did not the magistrates, who most condemn the reprehensible excesses of the people, then regard them as indispensable? Was not the insurrection general against that government, which you find so favourable to the population, commerce, and prosperity of the empire? Ought it not then to be granted, Sir, by every person who has been able to trace in this country the series of political events, and who has no interest to ascribe the revolution to other causes, that the deposed government could no longer subsist?

But you say, that instead of making innovations, we should have endeavoured to reform, and improve. You, the firm and courageous man, who rose with so much vigour against the abuses of your own country; you, who in the parliament of England, on the 11th of February 1780, pronounced these remarkable words:

“ There is a time when men will not suffer bad things because their ancestors have suffered worse.
 “ There is a time when the hoary head of inveterate abuse will neither draw reverence, nor obtain protection.”

M

Popular

*Popular Excesses which attended the French
Revolution.*

MR. BURKE.

HISTORY will record, that on the morning of the 6th of October 1789, the king and queen of France, after a day of confusion, alarm, dismay, and slaughter, lay down, under the pledged security of public faith, to indulge nature in a few hours of respite, and troubled melancholy repose. From this sleep the queen was first startled by the voice of the centinel at her door, who cried out to her, to save herself by flight—that this was the last proof of fidelity he could give—that they were upon him, and he was dead. Instantly he was cut down. A band of cruel ruffians and assassins, reeking with his blood, rushed into the chamber of the queen, and pierced with an hundred strokes of bayonets and poniards the bed, from whence this persecuted woman had but just time to fly almost naked, and through ways unknown to the murderers had escaped to seek refuge at the feet of a king and husband, not secure of his own life for a moment.

Reflections
on the Re-
volution in
France.

Mr. Burke.

This king, to say no more of him, and this queen, and their infant children (who once would have been the pride and hope of a great and generous people) were then forced to abandon the sanctuary of the most splendid palace in the world, which they left swimming in blood, polluted by massacre, and strewn with scattered limbs and mutilated carcases. Thence they were conducted into the capital of their kingdom. Two had been selected from the unprovoked, unresisted, promiscuous slaughter, which was made of the gentlemen of birth and family who composed the king's body-guard. These two gentlemen, with all the parade of an execution of justice, were cruelly and publicly dragged to the block, and beheaded in the great court of the palace. Their heads were stuck upon spears, and led the procession; whilst the royal captives who followed in the train were slowly moved along, amidst the horrid yells, and shrilling screams, and frantic dances, and infamous contumelies, and all the unutterable abominations of the furies of hell, in the abused shape of the vilest of women. After they had been made to taste, drop by drop, more than the bitterness of death, in the slow torture of a journey of twelve miles, protracted to six hours, they were, under a guard composed of those very soldiers who had thus conducted them through this famous triumph, lodged in one of the old palaces of Paris, now converted into a Bastille for kings.

Is this a triumph to be consecrated at altars ? to

be commemorated with grateful thanksgiving? to be offered to the divine humanity with fervent prayer and enthusiastic ejaculation?—These Theban and Thracian Orgies, acted in France, and applauded only in the Old Jewry, I assure you, kindle prophetic enthusiasm in the minds but of very few people in this kingdom; although a faint and apostle, who may have revelations of his own, and who has so completely vanquished all the mean superstitions of the heart, may incline to think it pious and decorous to compare it with the entrance into the world of the Prince of Peace, proclaimed in an holy temple by a venerable sage, and not long before not worse announced by the voice of angels to the quiet innocence of shepherds.

Mr. Burke.

At first I was at a loss to account for this fit of unguarded transport. I knew, indeed, that the sufferings of monarchs make a delicious repast to some sort of palates. There were reflections which might serve to keep this appetite within some bounds of temperance. But when I took one circumstance into my consideration, I was obliged to confess, that much allowance ought to be made for the society, and that the temptation was too strong for common discretion; I mean, the circumstance of the *Io Pæan* of the triumph, the animating cry which called “for *all* the BISHOPS to be hanged on the lamp-posts*,” might well have brought forth a burst of enthusiasm on the foreseen consequences of this happy day. I allow to so much

* Tous les Evêques à la lanterne.

Mr. Burke; enthusiasm some little deviation from prudence. I allow this prophet to break forth into hymns of joy and thanksgiving on an event which appears like the precursor of the Millenium, and the projected fifth monarchy, in the destruction of all church establishments. There was, however (as in all human affairs there is) in the midst of this joy something to exercise the patience of these worthy gentlemen, and to try the long suffering of their faith. The actual murder of the king and queen, and their child, was wanting to the other auspicious circumstances of this "*beautiful day*." The actual murder of the bishops, though called for by so many holy ejaculations, was also wanting. A groupe of regicide and sacrilegious slaughter, was indeed boldly sketched, but it was only sketched. It unhappily was left unfinished, in this great history-piece of the massacre of innocents. What hardy pencil of a great master, from the school of the rights of men, will finish it, is to be seen hereafter. The age has not yet the complete benefit of that diffusion of knowledge that has undermined superstition and error; and the king of France wants another object or two, to consign to oblivion, in consideration of all the good which is to arise from his own sufferings, and the patriotic crimes of an enlightened age*.

Although

* It is proper here to refer to a letter written upon this subject by an eye-witness. That eye-witness was one of the most honest, intelligent, and eloquent members of the national assembly,
one

Although this work of our new light and know-
ledge, did not go to the length, that in all proba-
bility

Mr. Burke.

one of the most active and zealous reformers of the state. He was obliged to secede from the assembly; and he afterwards became a voluntary exile, on account of the horrors of this pious triumph, and the dispositions of men, who, profiting of crimes, if not causing them, have taken the lead in public affairs.

EXTRACT of M. de Lally Tollendal's Second Letter
to a Friend.

“Parlons du parti que j'ai pris; il est bien justifié dans ma conscience.—Ni cette ville coupable, ni cette assemblée plus coupable encore, ne méritoient que je me justifie; mais j'ai à cœur que vous, et les personnes qui pensent comme vous, ne me condamnent pas.—Ma santé, je vous jure, me rendoit mes fonctions impossibles; mais même en les mettant de côté il a été au-dessus de mes forces de supporter plus long-tems l'horreur que me caufoit ce sang,—ces têtes,—cette reine *presque égorgée*,—ce roi,—amené *esclave*,—entrant à Paris, au milieu de ses assassins, et précédé des têtes de ses malheureux gardes.—Ces perfides jannissaires, ces assassins, ces femmes cannibales, ce cri de, TOUS LES EVEQUES A LA LAN-
TERNES, dans le moment où le roi entre sa capitale avec deux évêques de son conseil dans sa voiture. Un *coup de fusil*, que j'ai vu tirer dans un *des carrosses de la reine*. M. Bailley appelant cela un *beau jour*. L'assemblée ayant déclaré froidement le matin, qu'il n'étoit pas de sa dignité d'aller toute entière environner le roi. M. Mirabeau disant impunément dans cette assemblée, que le vaisseau de l'état, loin d'être arrêté dans sa course, s'élanceroit avec plus de rapidité que jamais vers sa régénération. M. Barnave riant avec lui, quand des flots de sang couloient autour de nous. Le vertueux Mounier * échappant par miracle à vingt assassins, qui avoient voulu faire de sa tête un trophée de plus.

“Voilà ce qui me fit jurer de ne plus mettre le pied *dans cette caverne d'Antropophages* [the National Assembly], où je n'avois

* N. B. Mr. Mounier was then speaker of the National Assembly. He has since been obliged to live in exile, though one of the firmest assertors of liberty.

Mr. Burke. bility it was intended it should be carried ; yet I must think, that such treatment of any human creatures must be shocking to any but those who are made for accomplishing revolutions. But I cannot stop here. Influenced by the inborn feelings of my nature, and not being illuminated by a single ray of this new-sprung modern light, I confess to you, Sir, that the exalted rank of the persons suffering, and particularly the sex, the beauty, and the amiable qualities of the descendant of so many

plus de force d'élever la voix, où depuis six semaines je l'avois élevée en vain. Moi, Mounier, et tous les honnêtes gens, ont le dernier effort à faire pour le bien être d'en sortir. Aucune idée de crainte ne s'est approchée de moi. Je rougirois de m'en défendre. J'avois encore reçu sur la route de la part de ce peuple, moins coupable que ceux qui l'ont enivré de fureur, des acclamations, et des applaudissemens, dont d'autres auroient été flattés, et qui m'ont fait fremir. C'est à l'indignation, c'est à l'horreur, c'est aux convulsions physiques, que le seul aspect du sang me fait éprouver que j'ai cédé. On brave une seule mort ; on la brave plusieurs fois, quand elle peut être utile. Mais aucune puissance sous le Ciel, mais aucune opinion publique ou privée n'ont le droit de me condamner à souffrir inutilement mille supplices par minute, et à périr de désespoir, de rage, au milieu des *triumphes*, du crime que je n'ai pu arrêter. Ils me proscrirent, ils confisqueront mes biens. Je labourerai la terre, et je ne les verrai plus.—Voilà ma justification. Vous pourrez la lire, la montrer, la laisser copier ; tant pis pour ceux qui ne la comprendront pas ; ce ne sera alors moi qui auroit eu tort de la leur donner."

This military man had not so good nerves as the peaceable gentleman of the Old Jewry.—See Monf. Mounier's Narrative of these transactions ; a man also of honour and virtue, and talents, and therefore a fugitive.

kings

kings and emperors, with the tender age of royal infants insensible only through infancy and innocence of the cruel outrages to which their parents were exposed, instead of being a subject of exultation, adds not a little to my sensibility on that most melancholy occasion. Mr. Burke.

I hear that the august person, who was the principal object of our preacher's triumph, though he supported himself, felt much on that shameful occasion. As a man, it became him to feel for his wife and his children, and the faithful guards of his person, that were massacred in cold blood about him; as a prince, it became him to feel for the strange and frightful transformation of his civilized subjects, and to be more grieved for them, than solicitous for himself. It derogates little from his fortitude, while it adds infinitely to the honour of his humanity. I am very sorry to say it, very sorry indeed, that such personages are in a situation in which it is not unbecoming in us to praise the virtues of the great.

I hear, and I rejoice to hear, that the great lady, the other object of the triumph, has borne that day (one is interested that beings made for suffering should suffer well) and that she bears all the succeeding days, that she bears the imprisonment of her husband, and her own captivity, and the exile of her friends, and the insulting adulation of addresses, and the whole weight of her accumulated wrongs, with a serene patience, in a manner suited to her rank and race, and becoming the offspring
of

Mr. Burke. of a sovereign distinguished for her piety and her courage ; that like her she has lofty sentiments ; that she feels with the dignity of a Roman matron ; that in the last extremity she will save herself from the last disgrace, and that if she must fall, she will fall by no ignoble hand.

It is now sixteen or seventeen years since I saw the queen of France, then the dauphiness, at Versailles ; and surely never lighted on this orb, which she hardly seemed to touch, a more delightful vision. I saw her just above the horizon, decorating and cheering the elevated sphere she just began to move in,—glittering like the morning-star, full of life, and splendour, and joy. Oh ! what a revolution ! and what an heart must I have, to contemplate without emotion that elevation and that fall ! Little did I dream, when she added titles of veneration to those of enthusiastic, distant, respectful love, that she should ever be obliged to carry the sharp antidote against disgrace concealed in that bosom ; little did I dream that I should have lived to see such disasters fallen upon her in a nation of gallant men, in a nation of men of honour and of cavaliers. I thought ten thousand swords must have leaped from their scabbards to avenge even a look that threatened her with insult.—But the age of chivalry is gone.—That of sophisters, economists, and calculators, has succeeded ; and the glory of Europe is extinguished for ever. Never, never more, shall we behold that generous loyalty to rank and sex, that proud submission, that dignified obedience,

that subordination of the heart, which kept
 even in servitude itself, the spirit of an exalted
 n. The unbought grace of life, the cheap
 : of nations, the nurse of manly sentiment
 :roic enterprise is gone ! It is gone, that sen-
 of principle, that chastity of honour, which
 tain like a wound, which inspired courage
 it mitigated ferocity, which ennobled what-
 touched, and under which vice itself lost half
 , by losing all its grossness.

Mr. Burke.

s mixed system of opinion and sentiment had
 gin in the ancient chivalry ; and the principle,
 varied in its appearance by the varying state
 nan affairs, subsisted and influenced through
 succession of generations, even to the time
 : in. If it should ever be totally extinguished,
 s I fear will be great. It is this which has
 its character to modern Europe. It is this
 has distinguished it under all its forms of
 ment, and distinguished it to its advantage,
 the states of Asia, and possibly from those
 which flourished in the most brilliant periods
 antique world. It was this which, without
 ending ranks, had produced a noble equality,
 anded it down through all the gradations of
 life. It was this opinion which mitigated
 into companions, and raised private men to
 lows with kings. Without force, or opposi-
 it subdued the fierceness of pride and power ;
 liged sovereigns to submit to the soft collar
 ial esteem, compelled stern authority to sub-
 mit

Mr. Burke. mit to elegance, and gave a domination vanquisher of laws, to be subdued by manners.

But now all is to be changed. All the pleasing illusions, which made power gentle, and obedience liberal, which harmonized the different shades of life, and which, by a bland assimilation, incorporated into politics the sentiments which beautify and soften private society, are to be dissolved by this new conquering empire of light and reason. All the decent drapery of life is to be rudely torn off. All the superadded ideas, furnished from the wardrobe of a moral imagination, which the heart owns, and the understanding ratifies, as necessary to cover the defects of our naked shivering nature, and to raise it to dignity in our own estimation, are to be exploded as a ridiculous, absurd, and antiquated fashion.

On this scheme of things, a king is but a man; a queen is but a woman; a woman is but an animal; and an animal not of the highest order. All homage paid to the sex in general as such, and without distinct views, is to be regarded as romance and folly. Regicide, and parricide, and sacrilege, are but fictions of superstition, corrupting justice by destroying its simplicity. The murder of a king, or a queen, or a bishop, or a father, are only common homicide; and if the people are by any chance, or in any way, gainers by it, a sort of homicide much the most pardonable, and into which we ought not to make too severe a scrutiny.

On the scheme of this barbarous philosophy, Mr. Burke.
 which is the offspring of cold hearts and muddy
 understandings, and which is as void of solid wisdom,
 as it is destitute of all taste and elegance, laws are to be supported only by their own terrors,
 and by the concern which each individual may find in them, from his own private speculations,
 or can spare to them from his own private interests. In the groves of *their* academy, at the end
 of every vista, you see nothing but the gallows. Nothing is left which engages the affections on the
 part of the commonwealth. On the principles of this mechanic philosophy, our institutions can
 never be embodied, if I may use the expression, in persons; so as to create in us love, veneration, admiration,
 or attachment. But that sort of reason which banishes the affections is incapable of filling
 their place. These public affections, combined with manners, are required sometimes as supplements,
 sometimes as correctives, always as aids to law. The precept given by a wise man, as well as
 a great critic for the construction of poems, is equally true as to states. *Non satis est pulchra esse
 poemata, dulcia sunt.* There ought to be a system of manners in every nation which a well-formed
 mind would be disposed to relish. To make us love our country, our country ought to be lovely.

But power, of some kind or other, will survive the shock in which manners and opinions perish;
 and it will find other and worse means for its support. The usurpation which, in order to subvert
 ancient

Mr. Burke.

ancient institutions, has destroyed ancient principles, will hold power by arts similar to those by which it has acquired it. When the old feudal and chivalrous spirit of *fealty*, which, by freeing kings from fear, freed both kings and subjects from the precautions of tyranny, shall be extinct in the minds of men, plots and assassinations will be anticipated by preventive murder and preventive confiscation, and that long roll of grim and bloody maxims, which form the political code of all power, not standing on its own honour, and the honour of those who are to obey it. Kings will be tyrants from policy when subjects are rebels from principle.

When ancient opinions and rules of life are taken away, the loss cannot possibly be estimated. From that moment we have no compass to govern us; nor can we know distinctly to what port we steer. Europe undoubtedly, taken in a mass, was in a flourishing condition the day on which your revolution was completed. How much of that prosperous state was owing to the spirit of our old manners and opinions is not easy to say; but as such causes cannot be indifferent in their operation, we must presume, that, on the whole, their operation was beneficial.

We are but too apt to consider things in the state in which we find them, without sufficiently adverting to the causes by which they have been produced, and possibly may be upheld. Nothing is more certain, than that our manners, our civilization,

lization, and all the good things which are connected with manners, and with civilization, have, in this European world of ours, depended for ages upon two principles; and were indeed the result of both combined; I mean the spirit of a gentleman, and the spirit of religion. The nobility and the clergy, the one by profession, the other by patronage, kept learning in existence, even in the midst of arms and confusions, and whilst governments were rather in their causes than formed. Learning paid back what it received to nobility and to priesthood; and paid it with usury, by enlarging their ideas, and by furnishing their minds. Happy if they had all continued to know their indissoluble union, and their proper place! Happy if learning, not debauched by ambition, had been satisfied to continue the instructor, and not aspired to be the master! Along with its natural protectors and guardians, learning will be cast into the mire, and trodden down under the hoofs of a swinish multitude.

Mr. Burke.

If, as I suspect, modern letters owe more than they are always willing to own to ancient manners, so do other interests which we value full as much as they are worth. Even commerce, and trade, and manufacture, the gods of our economical politicians, are themselves perhaps but creatures; are themselves but effects, which, as first causes, we choose to worship. They certainly grew under the same shade in which learning flourished. They too may decay with their natural protecting principles.

Mr. Burke. ciples. With you, for the present at least, they all threaten to disappear together. Where trade and manufactures are wanting to a people, and the spirit of nobility and religion remains, sentiment supplies, and not always ill-supplies their place; but if commerce and the arts should be lost in an experiment to try how well a state may stand without these old fundamental principles, what sort of a thing must be a nation of gross, stupid, ferocious, and at the same time poor and fordid barbarians, destitute of religion, honour, or manly pride, possessing nothing at present, and hoping for nothing hereafter?

I wish you may not be going fast, and by the shortest cut, to that horrible and disgusting situation. Already there appears a poverty of conception, a coarseness and vulgarity in all the proceedings of the assembly and of all their instructors. Their liberty is not liberal. Their science is presumptuous ignorance. Their humanity is savage and brutal.

It is not clear, whether in England we learned those grand and decorous principles, and manners, of which considerable traces yet remain, from you, or whether you took them from us. But to you, I think, we trace them best. You seem to me to be—*gentis incunabula nostræ*. France has always more or less influenced manners in England; and when your fountain is choaked up and polluted, the stream will not run long, or not run clear with us, or, perhaps, with any nation.—This gives all Europe,

Europe, in my opinion, but too close and connected a concern in what is done in France.—
 Excuse me, therefore, if I have dwelt too long on the *atrocious spectacle* of the 6th of October 1789, —or have given too much scope to the reflections which have arisen in my mind, on occasion of the most important of all revolutions,—which may be dated from that day, I mean a revolution in sentiments, manners, and moral opinions.—As things now stand, with every thing respectable destroyed without us, and an attempt to destroy within us every principle of respect, one is almost forced to apologize for harbouring the common feelings of men.

Mr. Burke.

France, by the perfidy of her leaders, has utterly disgraced the tone of lenient council in the cabinets of princes, and disarmed it of its most potent topics. She has sanctified the dark suspicious maxims of tyrannous distrust; and taught kings to tremble at (what will hereafter be called) the delusive plausibilities of moral politicians. Sovereigns will consider those who advise them to place an unlimited confidence in their people, as subverters of their thrones; as traitors who aim at their destruction, by leading their easy good-nature, under specious pretences, to admit combinations of bold and faithless men into a participation of their power. This alone (if there were nothing else) is an irreparable calamity to you and to mankind. Remember that your parliament of Paris told your king, that in calling

N

the

Mr. Burke. the states together, he had nothing to fear but the prodigal excess of their zeal in providing for the support of the throne. It is right that these men should hide their heads. It is right that they should bear their part in the ruin which their counsel has brought on their sovereign and their country. Such sanguine declarations tend to lull authority asleep; to encourage it rashly to engage in perilous adventures of untried policy; to neglect those provisions, preparations, and precautions, which distinguish benevolence from imbecility; and without which no man can answer for the salutary effect of any abstract plan of government or of freedom. For want of these, they have seen the medicine of the state corrupted into its poison. They have seen the French rebel against a mild and lawful monarch, with more fury, outrage, and insult, than ever any people has been known to rise against the most illegal usurper, or the most sanguinary tyrant. Their resistance was made to concession; their revolt was from protection; their blow was aimed at an hand holding out graces, favours, and immunities.

This was unnatural. The rest is in order. They have found their punishment in their success. Laws overturned; tribunals subverted; industry without vigour; commerce expiring; the revenue unpaid, yet the people impoverished; a church pillaged, and a state not relieved; civil and military anarchy made the constitution of the kingdom; every thing human and divine sacrificed

ficed to the idol of public credit, and national bankruptcy the consequence; and to crown all, the paper securities of new, precarious, tottering power, the discredited paper securities of impoverished fraud, and beggared rapine, held out as a currency for the support of an empire, in lieu of the two great recognized species that represent the lasting conventional credit of mankind, which disappeared and hid themselves in the earth from whence they came, when the principle of property, whose creatures and representatives they are, was systematically subverted.

Mr. Burke.

Were all these dreadful things necessary? were they the inevitable results of the desperate struggle of determined patriots, compelled to wade through blood and tumult, to the quiet shore of a tranquil and prosperous liberty? No! nothing like it. The fresh ruins of France, which shock our feelings wherever we can turn our eyes, are not the devastation of civil war; they are the sad but instructive monuments of rash and ignorant counsel in time of profound peace. They are the display of inconsiderate and presumptuous, because unresisted and irresistible, authority. The persons who have thus squandered away the precious treasure of their crimes, the persons who have made this prodigal and wild waste of public evils (the last stake reserved for the ultimate ransom of the state) have met in their progress with little, or rather with no opposition at all. Their whole march was more like a triumphal procession than the progress of a

Mr. Burke. war. Their pioneers have gone before them, and demolished and laid every thing level at their feet. Not one drop of *their* blood have they shed in the cause of the country they have ruined. They have made no sacrifices to their projects of greater consequence than their shoe-buckles, whilst they were imprisoning their king, murdering their fellow citizens, and bathing in tears, and plunging in poverty and distress, thousands of worthy men and worthy families. Their cruelty has not even been the base result of fear. It has been the effect of their sense of perfect safety, in authorizing treasons, robberies, rapes, assassinations, slaughters, and burnings throughout their harassed land. But the cause of all was plain from the beginning.

Mr.

MR. MACKINTOSH.

THAT no great revolutions can be accomplished without excesses and miseries at which humanity revolts, is a truth which cannot be denied. This unfortunately is true, in a peculiar manner, of those revolutions, which, like that of France, are strictly *popular*. Where the people are led by a faction, its leaders find no difficulty in the re-establishment of that order, which must be the object of their wishes, because it is the sole security of their power. But when a general movement of the popular mind levels a despotism with the ground, it is far less easy to restrain excess. There is more resentment to satiate and less authority to controul. The passion which produced an effect so tremendous, is too violent to subside in a moment into serenity and submission. The spirit of revolt breaks out with fatal violence after its object is destroyed, and turns against the order of freedom those arms by which it had subdued the strength of tyranny. The attempt to *punish* the spirit that actuates a *people*, if it were just, would be in vain, and if it were possible would be cruel. They are too *many* to be punished in a view of justice, and too *strong* to be punished in a view of policy. The ostentation of vigour would in such a case prove the display of impotence, and the rigour of justice conduct to the cruelty of extirpation. No remedy is therefore left

Vindiciae
Gallicæ.

Mr. Mack-
intosh.

but the progress of instruction, the force of persuasion, the mild authority of opinion. These remedies, though infallible, are of slow operation; and in the interval which elapses before a calm succeeds the boisterous moments of a revolution, it is vain to expect that a people, inured to barbarism by their oppressors, and which has ages of oppression to avenge, will be punctiliously generous in their triumph, nicely discriminative in their vengeance, or cautiously mild in their mode of retaliation. "They will break their chains on the heads of their oppressors*."

Such was the state of France, and such were the obvious causes that gave birth to scenes which the friends of freedom deplore as tarnishing her triumphs. They *feel* these evils as men of humanity. But they will not bestow the name on that womanish and complexional sensibility, towards which, even in the still intercourse of private life, *indulgence* is mingled with love. The only humanity which, in the great affairs of men, claims their respect, is that manly and expanded humanity, which fixes its steady eye on the object of general happiness. The sensibility which shrinks at a present evil, without extending its views to future good, is not a virtue, for it is not a quality beneficial to mankind: it would arrest the arm of a surgeon in amputating a gangrened limb, or the

* The eloquent expression of Mr. CURRAN in the parliament of Ireland, respecting the revolution.

hand

hand of a judge in signing the sentence of a parricide. I do not say (God forbid!), that a crime may be committed for the prospect of good. Such a doctrine would shake morals to their centre. But the case of the French revolutionists is totally different. Has any moralist ever pretended, *that we are to decline the pursuit of a good which our duty prescribed to us, because we foresaw that some partial and incidental evil would arise from it?* This is the true view of the question, and it is only by this principle that we are to estimate the responsibility of the leaders of the revolution for the excesses which attended it.

Mr. Mackintosh.

If any of these leaders had crimes in contemplation for the attainment of their purpose, I abandon them to merited obloquy and execration. The man who would erect freedom on the ruins of morals, understands nor loves neither. But the number against whom *this* charge has ever been *insinuated*, is so small, that supposing (what I do not believe) its truth, it only proves that corrupt and ambitious men will mix with great bodies. The question with respect to the rest, is reducible to this—"Whether they were to abstain from establishing a free government, because they foresaw that it could not be effected without confusion and temporary distress—Whether they were to be deterred from pursuing that constitution which they deemed best for their country, by the prospect of partial and transient evils, or to be consoled for these calamities

Mr. Mack-
intosh.

“ ties by the view of that happiness to which their
“ labours were to give ultimate permanence and
“ diffusion ?” A minister is not conceived to be
guilty of systematic immorality, because he balances
the evils of the most just war with that national
security that is produced by the reputation of spirit
and power ; nor ought the patriot, who, balancing
the evils of transient anarchy with the inestimable
good of established liberty, finds the last prepon-
derate in the scale.

Such, in fact, have ever been the reasonings of
the leaders in those insurrections which have pre-
served the remnant of freedom that still exists
among mankind. Holland, England, America,
must have reasoned thus, and the different portions
of liberty which they enjoy, have been purchased
by the endurance of far greater calamities than have
been suffered by France. It is unnecessary to ap-
peal to the wars which for almost a century afflicted
the Low Countries. But it may be necessary to
remind England of the price she paid for the esta-
blishment at the Revolution. The disputed succe-
sion which arose from that event, produced a de-
structive civil war in Ireland, two rebellions in
Scotland, the consequent slaughter and banishment
of thousands of citizens, with the widest confisca-
tion of their properties ; not to mention the conti-
nental connections into which it plunged England,
the foreign wars in which it engaged us, and the
necessity thus imposed upon us of maintaining a
standing

standing army, and accumulating an enormous public debt.

Mr. Mack-
intosh.

No series of events in history have, probably, been more widely, malignantly, and systematically exaggerated than the French commotions.—Instead of entering on minute scrutiny, of which the importance would neither expiate the tediousness, nor reward the toil, let us content ourselves with opposing one general fact to this host of falsehoods. *No commercial house of importance has failed in France since the revolution!*—How is this to be reconciled with the tales that have been circulated?

Commerce, which shrinks from the breath of civil confusion, has resisted this tempest, and a mighty revolution has been accomplished with less commercial derangement than could arise from the bankruptcy of a second rate house in London, or Amsterdam. Happy is that people whose commerce flourishes in *ledgers*, while it is bewailed in orations, and remains untouched in *calculation*, while it expires in the pictures of eloquence. This unquestionable fact is on such a subject worth a thousand arguments, and to any mind qualified to judge, must expose in their true light those execrable fabrications, which have sounded such a “senseless yell” through Europe.

But let us admit for a moment their truth, and take as a specimen of the evils of the revolution, the number of lives which have been lost in its progress. That no possibility of cavil may remain, let us surpass in an exaggerated estimate the utmost audacity

Mr. Mack-
intosh.

audacity of falsehood. Let us for a moment suppose, that in the course of the revolution 20,000 lives have been lost. On the comparison of even this loss with parallel events in history, is there any thing in it from which a manly and enlightened humanity will recoil? Can it be compared with the slaughter that established American freedom, or with the fruits of the English revolution? But this comparison is an injustice to the argument. Compare it with the expenditure of blood by which in ordinary wars so many pernicious and ignoble objects are sought.—Compare it with the blood spilt by England in the attempt to subjugate America, and if such be the guilt of the revolutionists of France, for having, at the *bazard* of this evil, sought the establishment of freedom, what new name of obloquy shall be applied to the minister of England, who with the *certainty* of a destruction so much greater, attempted the establishment of tyranny?

The illusion which prevents the effect of these comparisons, is not peculiar to Mr. Burke. The massacres of war, and the murders committed by the sword of justice, are disguised by the solemnities which invest them. But the wild justice of the people has a naked and undisguised horror. Its slightest exertion awakens all our indignation, while murder and rapine, if arrayed in the gorgeous disguise of acts of state, may with impunity stalk abroad. Our sentiments are reconciled to them in this form, and we forget that the evils of anarchy

must be short-lived, while those of despotic government are fatally permanent. Mr. Mack-
intosh.

Another illusion has, particularly in England, favoured the exaggeration of the exiles. We judge of France by our own situation. This is to view it through a false medium. We ought to judge of it by a comparison with nations in *similar circumstances*. With us "the times may be moderate *," "and therefore ought to be peaceable." But in France the times were not moderate, and could not be peaceable.

Let us correct that illusion of *moral optics* which makes near objects so disproportionably large. Let us place the scene of the French revolution in a remote age, or in a distant nation, and then let us calmly ask our own minds, whether the most reasonable subject of wonder be not its unexampled mildness, and the small number of individuals crushed in the fall of so vast a pile.

Such are the general reflections suggested by the disorders of the French revolution. Of these, the first in point of time as well as of importance, was the Parisian insurrection and the capture of the Bastille. The mode in which that memorable event is treated by Mr. Burke, is worthy of notice. It occupies no conspicuous place in his work. It is only obscurely and contemptuously hinted at as one of those examples of successful revolt, which have fostered a mutinous spirit in the soldiery.

* Junius.

" They

Mr. Mack-
intosh.

“ They have not forgot the taking of the KING’S
“ CASTLES in Paris and at Marfeilles. That they
“ murdered with impunity in both places the go-
“ vernors has not escaped their minds.” (Burke,
p. 307—8.) Such is the courtly circumlocution
by which Mr. Burke designs the Bastile—*the king’s
castle at Paris*. Such is the ignominious language
in which he speaks of the summary justice executed
on the titled ruffian who was its governor; and
such is the apparent art with which he has thrown
into the back ground invective and asperity, which,
if they had been prominent, would have provoked
the indignation of mankind.

Commotions of another description early followed
the revolution, partly arising from the general causes
before stated, and partly from others of more limited
and local operation. The peasantry of the pro-
vinces, buried for so many ages in the darkness of
servitude, saw, indistinctly and confusedly, in the
first dawn of liberty, the boundaries of their duties
and their rights. It was no wonder that they should
little understand that freedom which so long had
been remote from their views. The name con-
veyed to their ear a right to reject all restraint, to
gratify every resentment, and to attack all property.
Ruffians mingled with the deluded peasants, with
hopes of booty, and inflamed their ignorance and
prejudices, by forged acts of the king and the as-
sembly, authorising their licentiousness. From these
circumstances arose many calamities in the pro-
vinces. The country-houses of many gentlemen
were

were burnt, and some obnoxious persons were assassinated. But one may without excessive scepticism doubt, whether they had been the *mildest masters* whose *chateaux* had undergone that fate. Perhaps the peasants had oppressions to avenge, those silent grinding oppressions that form almost the only intercourse of the rich with the indigent ; which though less flagrant than those of government, are perhaps productive of more intolerable and diffusive misery.

Mr. Mack-
intosh.

But whatever was the demerit of these excesses, they can by no torture of reason be imputable to the national assembly, or the leaders of the revolution. In what manner were they to repress them ? If they exerted against them their own authority with rigour, they must have provoked a civil war. If they invigorated the police and tribunals of the deposed government, besides incurring the hazard of the same calamity, they put arms into the hands of their enemies. Placed in this *dilemma*, they were compelled to expect a slow remedy from the returning serenity of the public mind, and from the progress of the new government towards confidence and vigour.

A degree of influence exerted by the people, far more than would be tolerated by a firm government, or could exist in a state of tranquillity, must be expected in the crisis of a revolution which the *people* have made.—They have too recent experience of their own strength to abstain at once from exerting it. Their political passions have been agitated
by

Mr. Mack-
intosh.

by too fierce a storm to regain in a moment that serenity which would expect with patient acquiescence the decrees of their representatives. From an inflamed multitude, who had felt themselves irresistible, and whose fancy annexed to the decision of every political question the fate of their freedom, an undue interposition in the proceedings of the legislature was to have been expected. The passions which prompt it are vehement; the arguments which prove its impropriety are remote and refined. Too much, therefore, of this interposition was at such a conjuncture inevitable. It is without doubt a great evil, but it is irremediable. The submission of the people in a period of tranquillity, degenerates into a listless and torpid negligence of public affairs, and the fervor which the moment of revolution inspires, necessarily produces the opposite extreme. That, therefore, the conduct of the populace of Paris should not have been the most decorous and circumspect respecting the deliberations of the assembly, that it should be frequently irregular and tumultuous, was, in the nature of things, inevitable. But the horrible picture which Mr. Burke has drawn of that "stern necessity" under which this "captive" assembly votes, is neither justified by this concession, nor by the state of facts. It is the overcharged colouring of a fervid imagination. Those whom he alludes to, as driven away by assassins, M. M. Lally and Mounier, might, surely, have remained with perfect safety in an assembly in which such furious invectives are daily

daily bellowed forth with impunity against the popular leaders. No man will deny, that that member of the minority enjoyed liberty of speech in its utmost plenitude, who called M. Mirabeau "*Le plus vil de tous les assassins.*" "The terrors of the lamp-post and bayonet" have hitherto been visionary. Popular fury has hitherto spared the most furious declaimers of aristocracy; and the only *decret*, so far as I can discern, which has even been *pretended* to have been materially influenced by the populace, is that respecting the prerogatives of war and peace.

Mr. Mack-
intosh.

We are now conducted by the course of these strictures to the excesses committed at Versailles on the 5th and 6th of October 1789. After the most careful perusal of the voluminous evidence before the *Chatelet*, of the controversial pamphlets of M. M. d'Orleans and Mounier, and the official report of M. Chabroud to the assembly, the details of the affair seem to me so much involved in obscurity and contradiction, that they afford little on which a candid mind can with confidence pronounce.

They afford, indeed, to frivolous and puerile adversaries the means of convicting Mr. Burke of some minute errors. Monf. *Miomandre*, the centinel at the queen's gate, it is true, survives; but it is no less true, that he was left for dead by his assassins. On the comparison of evidence, it seems probable, that the queen's chamber was not broken into, "*that*"
"the

Mr. Mack-
intosh.

“ *the asylum of beauty and majesty was not profaned* ”.

But these slight corrections palliate little the atrocity, and alter not, in the least, the general complexion of these flagitious scenes.

The most important question which the subject presents is, whether the Parisian populace were the instruments of conspirators, or whether their fatal march to Versailles was a spontaneous movement, produced by real or chimerical apprehensions of plots against their freedom. I confess that I incline to the latter opinion.—*Natural causes* seem to me adequate to account for the movement. A scarcity of provision is not denied to have existed in Paris. The dinner of the body-guards might surely have provoked a people more tranquil than those of a city scarce recovered from the shock of a great revolution. The maledictions poured forth against the national assembly, the insults offered to the patriotic cockade, the obnoxious ardour of *loyalty* displayed on that occasion, might have awakened even the jealousy of a people whose ardour had been sated by the long enjoyment, and whose alarms had been quieted by the secure possession of liberty. The escape of the king would be the infallible signal of civil war—the exposed situation of the royal

* The expression of M. Chabroud. Five witnesses assert that the ruffians did not break into the queen's chamber. To give the account followed by Mr. Burke, and to give this preponderance its due force, let it be recollected, that the whole proceedings before the *Chatelet* were *ex parte*. See *Procédure Criminelle faite au Chatelet de Paris, &c. deux Parties*. PARIS, 1790.

residence

reference was therefore a source of perpetual alarm. These causes operating on that credulous jealousy, which is the malady of the public mind in times of civil confusion, which sees hostility and conspiracy on every side, seem sufficient to have actuated the Parisian populace.

Mr. Mack-
intosh.

The apprehensions of the people in such a period torture the most innocent and frivolous accidents into proofs of sanguinary plots.—Witness the *war of conspiracies* carried on by the contending factions in the reign of Charles the Second. The boldness with which such charges are then fabricated, and the facility with which they are credited, form indeed, in the mind of a wise man, the strongest presumptions against their truth. It is in perusing the history of such a period, that his scepticism respecting conspiracies is the most vigilant. The research of two centuries has not, in England, been able to decide disputes which these accusations have produced. The participation of queen Mary in Babington's plot against Elizabeth, is still the subject of controversy. We, at the present day, dispute about the nature of the connection which subsisted between Charles the First and the Catholic insurgents of Ireland. It has occupied the labour of a century to separate truth from falsehood in the *Rye-house Plot*, to distinguish what both the friendship and enmity of cotemporaries confounded; the views of the leaders from the schemes of the inferior conspirators, and to discover that Russell and Sydney had, indeed, conspired a revolt, but that the underlings

Mr. Mack-
intosh.

derlings alone had plotted the assassination of the king.

In the eye of Mr. Burke, however, these crimes and excesses assume an aspect far more important than can be communicated to them by their own insulated guilt. They form, in his opinion, the crisis of a revolution, far more important than any change of government; a revolution, in which the sentiments and opinions that have formed the manners of the European nations are to perish. "The age of chivalry is gone, and the glory of Europe extinguished for ever." He follows this exclamation by an eloquent eulogium on chivalry, and by gloomy predictions of the future state of Europe, when the nation that has been so long accustomed to give her the tone in arts and manners is thus debased and corrupted. A caviller might remark, that ages much more near the meridian fervor of chivalry than ours have witnessed a treatment of queens as little gallant and generous as that of the Parisian mob. He might remind Mr. Burke, that in the age and country of Sir Philip Sidney, a queen of France, whom no blindness to accomplishment, no malignity of detraction could reduce to the level of *Maria Antonietta*, was, by "a nation of men of honour and cavaliers," permitted to languish in captivity, and expire on a scaffold; and he might add, that the manners of a country are more surely indicated by the systematic cruelty of a sovereign, than by the licentious frenzy of a mob. He might remark, that the mild system of modern manners

manners which survived the massacres with which fanaticism had for a century desolated, and almost barbarized Europe, might, perhaps, resist the shock of one day's excesses committed by a delirious populace. He might thus, perhaps, oppose specious and popular topics to the declamation of Mr. Burke.

Mr. Mackintosh.

But the subject itself is, to an enlarged thinker, fertile in reflections of a different nature. That system of manners which arose among the Gothic nations of Europe, of which chivalry was more properly the effusion than the source, is, without doubt, one of the most peculiar and interesting appearances in human affairs. The moral causes which formed its character have not, perhaps, been hitherto investigated with the happiest success. But to confine ourselves to the subject before us. Chivalry was certainly one of the most prominent features and remarkable effects of this system of manners. Candour must confess, that this singular institution is not *alone* admirable as a corrector of the ferocious ages in which it flourished. It contributed to polish and soften Europe. It paved the way for that diffusion of knowledge and extension of commerce which afterwards, in some measure, supplanted it, and gave a new character to manners. Society is inevitably progressive.—In government, commerce has overthrown that “feudal and chivalrous system” under whose shade it first grew. In religion, learning has subverted that superstition whose opulent endowments had first fostered it.

Mr. Mack-
intosh.

Peculiar circumstances softened the barbarism of the middle ages to a degree which favoured the admission of commerce and the growth of knowledge. These circumstances were connected with the manners of chivalry ; but the sentiments peculiar to that institution could only be preserved by the situation which gave them birth. They were therefore enfeebled in the progress from ferocity and turbulence, and almost obliterated by tranquillity and refinement. But the auxiliaries which the manners of chivalry had in rude ages reared, gathered strength from its weakness, and flourished in its decay. Commerce and diffused knowledge have, in fact, so completely assumed the ascendant in polished nations, that it will be difficult to discover any relics of *Gothic manners*, but in a fantastic exterior, which has survived the generous illusions that made these manners splendid and seductive. Their *direct* influence has long ceased in Europe, but their *indirect* influence, through the medium of those causes, which would not perhaps have existed but for the mildness which chivalry created in the midst of a barbarous age, still operates with increasing vigour. The manners of the middle age were, in the most singular sense, compulsory. Enterprising benevolence was produced by general fierceness, gallant courtesy by ferocious rudeness, and artificial gentleness resisted the torrent of natural barbarism. But a less incongruous system has succeeded, in which commerce, which unites men's interests, and knowledge,

which

which excludes those prejudices that tend to embroil them, present a broader basis for the stability of civilized and beneficent manners. Mr. Mackintosh.

Mr. Burke, indeed, forebodes the most fatal consequences to literature from events, which he supposes to have given a mortal blow to the spirit of chivalry. I have ever been protected from such apprehensions by my belief in a very simple truth, *that diffused knowledge immortalizes itself*. A literature which is confined to a few, may be destroyed by the massacre of scholars and the conflagration of libraries ; but the diffused knowledge of the present day could only be annihilated by the extirpation of the civilized part of mankind.

Far from being hostile to letters, the French revolution has contributed to serve their cause in a manner hitherto unexampled in history. The political and literary progress of nations has hitherto been the same ; the period of their eminence in arts has also been the æra of their historical fame ; and no example occurs in which great *political* splendour has been subsequent to the *Augustan age* of a people. Previous to the year 1789, this might have been considered as a maxim to which history furnished no exception. But France, which is destined to refute every abject and arrogant doctrine that would limit the human powers, presents a new scene. There the shock of a revolution has infused the ardour of juvenile literature into a nation tending to decline. New arts are called forth when all seemed to have passed their zenith.

Mr. Mack-
intosh.

France enjoyed one Augustan age, fostered by the favour of despotism. She seems about to witness another created by the energy of freedom.

In the opinion of Mr. Burke, however, she is advancing by rapid strides to ignorance and barbarism. "Already," he informs us, "there appears a poverty of conception, a coarseness and vulgarity in all the proceedings of the assembly, and of all their instructors. Their liberty is not liberal. Their science is presumptuous ignorance. Their humanity is savage and brutal." To animadvert on this modest and courteous picture belongs not to the present subject; and *impressions* cannot be disputed, more especially when their grounds are not assigned. All that is left is, to declare opposite impressions with a confidence authorized by the example. The proceedings of the national assembly of France appear to me to contain models of more splendid eloquence, and examples of more profound political research than have been exhibited by any public body in modern times. I cannot therefore augur, from these proceedings, the downfall of philosophy, or the extinction of eloquence.

Thus various are the aspects which the French revolution, not only in its influence on literature, but in its general tenor and spirit, presents to minds occupied by various opinions. To the eye of Mr. Burke it exhibits nothing but a scene of horror. In his mind it inspires no emotion but abhorrence of its leaders, commiseration of their victims, and

alarms at the influence of an event which menaces the subversion of the policy, the arts, and the manners of the civilized world. Minds who view it through another medium are filled by it with every sentiment of admiration and triumph—of admiration due to splendid exertions of virtue, and of triumph inspired by widening prospects of happiness.

Mr. Mack-
intosh.

MR. P A I N E.

Rights of
Man,
Part I.

THE tragic paintings, by which Mr. Burke has outraged his own imagination, and seeks to work upon that of his readers, are very well calculated for theatrical representation, where facts are manufactured for the sake of show, and accommodated to produce, through the weakness of sympathy, a weeping effect.

When we see a man dramatically lamenting in a publication intended to be believed, that, "*The age of chivalry is gone! that The glory of Europe is extinguished for ever! that The unbought grace of life*" (if any one knows what it is), *the cheap defence of nations, the nurse of manly sentiment and heroic enterprise, is gone!*" and all this because the Quixote age of chivalry nonsense is gone, what opinion can we form of his judgment, or what regard can we pay to his facts? In the rhapsody of his imagination, he has discovered a world of wind-mills, and his sorrows are, that there are no Quixotes to attack them. But if the age of aristocracy, like that of chivalry, should fall, and they had originally some connection, Mr. Burke, the trumpeter of the order, may continue his parody to the end, and finish with exclaiming—" *Othello's occupation's gone!*"

Notwithstanding Mr. Burke's horrid paintings, when the French revolution is compared with that of other countries, the astonishment will be, that it is marked with so few sacrifices; but this
astonish-

astonishment will cease when we reflect that it was *principles*, and not *persons*, that were the meditated objects of destruction. The mind of the nation was acted upon by a higher stimulus than what the consideration of persons could inspire, and sought a higher conquest than could be produced by the downfall of an enemy. Among the few who fell, there do not appear to be any that were intentionally singled out. They all of them had their fate in the circumstances of the moment, and were not pursued with that long, cold-blooded, unabated revenge which pursued the unfortunate Scotch in the affair of 1745.

Mr. Paine,

Through the whole of Mr. Burke's book, I do not observe that the Bastille is mentioned more than once, and that with a kind of implication as if he were sorry it is pulled down, and wished it were built up again. "We have rebuilt Newgate (says he), and tenanted the mansion; and we have prisons almost as strong as the Bastille for those who dare to libel the queens of France *."

* Since writing the above, two other places occur in Mr. Burke's pamphlet, in which the name of the Bastille is mentioned, but in the same manner. In the one, he introduces it in a sort of obscure question, and asks—"Will any ministers who now serve such a king, with but a decent appearance of respect, cordially obey the orders of those whom but the other day, *in his name*, they had committed to the Bastille?" In the other, the taking it is mentioned as implying criminality in the French guards who assisted in demolishing it.—"They have not (says he) forgot the taking the king's castles at Paris."—This is Mr. Burke, who pretends to write on constitutional freedom.

As

Mr. Paine. As to what a madman, like the person called Lord George Gordon, might say, and to whom Newgate is rather a bedlam than a prison, it is unworthy a rational consideration. It was a madman that libelled—and that is sufficient apology; and it afforded an opportunity for confining him, which was the thing that was wished for: but certain it is that Mr. Burke, who does not call himself a madman, whatever other people may do, has libelled, in the most unprovoked manner, and in the grossest style of the most vulgar abuse, the whole representative authority of France; and yet Mr. Burke takes his seat in the British House of Commons! From his violence and his grief, his silence on some points, and his excess on others, it is difficult not to believe that Mr. Burke is sorry, extremely sorry, that arbitrary power, the power of the pope, and the Bastille, are pulled down.

Not one glance of compassion, not one commiserating reflection, that I can find throughout his book, has he bestowed on those who lingered out the most wretched of lives, a life without hope, in the most miserable of prisons. It is painful to behold a man employing his talents to corrupt himself. Nature has been kinder to Mr. Burke than he is to her. He is not affected by the reality of distress touching upon his heart, but by the showy resemblance of it striking his imagination. He pities the plumage, but forgets the dying bird. Accustomed to kiss the aristocratical hand that hath purloined him from himself, he degenerates
into

composition of art, and the genuine soul of
 forsakes him. His hero or his heroine must
 agedy-victim expiring in show, and not the
 isoner of misery, sliding into death in the
 of a dungeon.

Mr. Paine.

re are in all European countries a large
 f people of that description which in Eng-
 re called the "*mob*." Of this class were
 who committed the burnings and devasta-
 n London in 1780, and of this class were
 who carried the heads upon spikes in Paris.
 and Berthier were taken up in the country,
 it to Paris, to undergo their examination
 Hotel de Ville; for the national assembly,
 iately on the new ministry coming into
 passed a decree, which they communicated
 king and cabinet, that they (the national
 ly) would hold the ministry, of which
 was one, responsible for the measures they
 dvising and pursuing; but the mob, in-
 at the appearance of Foulon and Berthier,
 em from their conductors before they were
 to the Hotel de Ville, and executed them
 spot. Why then does Mr. Burke charge
 s of this kind on a whole people? As well
 : charge the riots and outrages of 1780 on
 people of London, or those in Ireland on
 country.

every thing we see or hear offensive to our
 s, and derogatory to the human character,
 lead to other reflections than those of re-
 preach.

Mr. Paine.

proach. Even the beings who commit them have some claim to our consideration. How then is it that such vast classes of mankind as are distinguished by the appellation of the vulgar, or the ignorant mob, are so numerous in all old countries? The instant we ask ourselves this question reflection feels an answer. They arise, as an unavoidable consequence, out of the ill-construction of all the old governments in Europe, England included with the rest. It is by distortedly exalting some men, that others are distortedly debased, till the whole is out of nature. A vast mass of mankind are degradedly thrown into the back-ground of the human picture, to bring forward, with greater glare, the puppet-show of state and aristocracy. In the commencement of a revolution, those men are rather the followers of the *camp* than of the *standard* of liberty, and have yet to be instructed how to reverence it.

I give to Mr. Burke all his theatrical exaggerations for facts, and I then ask him, if they do not establish the certainty of what I here lay down? Admitting them to be true, they shew the necessity of the French revolution, as much as any one thing he could have asserted. These outrages were not the effect of the principles of the revolution, but of the degraded mind that existed before the revolution, and which the revolution is calculated to reform. Place them then to their proper cause, and take the reproach of them to your own side.

It

is to the honour of the national assembly, and
 ity of Paris, that, during such a tremendous
 of arms and confusion, beyond the controul
 ll authority, they have been able, by the
 ence of example and exhortation, to restrain
 uch. Never were more pains taken to instruct
 enlighten mankind, and to make them see that
 interest consisted in their virtue, and not in their
 ge, than what have been displayed in the revo-
 n of France.—I now proceed to make some
 rks on Mr. Burke's account of the expedition
 Versailles, October 5th and 6th.

Mr. Paine.

cannot consider Mr. Burke's book in scarcely
 other light than a dramatic performance ; and
 uft, I think, have considered it in the same
 himself, by the poetical liberties he has taken
 nitting some facts, distorting others, and mak-
 he whole machinery bend to produce a stage
 . Of this kind is his account of the expedi-
 to Versailles. He begins this account by omit-
 the only facts which as causes are known to be
 ; every thing beyond these is conjecture even
 ris ; and he then works up a tale accommo-
 l to his own passions and prejudices.

is to be observed throughout Mr. Burke's book,
 he never speaks of plots against the revolution ;
 it is from those plots that all the mischiefs have
 1. It suits his purpose to exhibit the conse-
 ces without their causes. It is one of the arts
 e drama to do so. If the crimes of men were
 oited with their sufferings, the stage effect
 would

Mr. Paine. would sometimes be lost, and the audience would be inclined to approve where it was intended they should commiserate.

After all the investigations that have been made into this intricate affair (the expedition to Versailles), it still remains enveloped in all that kind of mystery which ever accompanies events produced more from a concurrence of awkward circumstances, than from fixed design. While the characters of men are forming, as is always the case in revolutions, there is a reciprocal suspicion, and a disposition to misinterpret each other; and even parties directly opposite in principle, will sometimes concur in pushing forward the same movement with very different views, and with the hopes of its producing very different consequences. A great deal of this may be discovered in this embarrassed affair, and yet the issue of the whole was what nobody had in view.

The only things certainly known, are, that considerable uneasiness was at this time excited at Paris, by the delay of the king in not sanctioning and forwarding the decrees of the national assembly, particularly that of the *Declaration of the rights of Man*, and the decrees of the *fourth of August*, which contained the foundation principles on which the constitution was to be erected. The kindest, and perhaps the fairest conjecture upon this matter is, that some of the ministers intended to make remarks and observations upon certain parts of them, before they were finally sanctioned and sent to the provinces: but be this as it may, the enemies of
the

the revolution derived hopes from the delay, and the friends of the revolution, uneasiness. Mr. Paine.

During this state of suspense, the *garde du corps*, which was composed, as such regiments generally are, of persons much connected with the court, gave an entertainment at Versailles (Oct. 1), to some foreign regiments then arrived; and when the entertainment was at the height, on a signal given, the *garde du corps* tore the national cockade from their hats, trampled it under foot, and replaced it with a counter cockade prepared for the purpose. An indignity of this kind amounted to defiance. It was like declaring war; and if men will give challenges, they must expect consequences. But all this Mr. Burke has carefully kept out of sight. He begins his account by saying, "History will record, that on the morning of the 6th of October 1789, the king and queen of France, after a day of confusion, alarm, dismay, and slaughter, lay down under the pledged security of public faith, to indulge nature in a few hours of respite, and troubled melancholy repose." This is neither the sober style of history, nor the intention of it. It leaves every thing to be guessed at, and mistaken. One would at least think there had been a battle; and a battle there would probably have been, had it not been for the moderating prudence of those whom Mr. Burke involves in his censures. By his keeping the *garde du corps* out of sight, Mr. Burke has afforded himself the dramatic licence of putting the king and queen in their places, as if the object of

aine. the expedition was against them.—But, to return to my account—

This conduct of the *garde du corps*, as might well be expected, alarmed and enraged the Parisians. The colours of the cause, and the cause itself, were become too united to mistake the intention of the insult, and the Parisians were determined to call the *garde du corps* to an account. There was certainly nothing of the cowardice of assassination in marching in the face of day to demand satisfaction, if such a phrase may be used, of a body of armed men who had voluntarily given defiance. But the circumstance which serves to throw this affair into embarrassment is, that the enemies of the revolution appear to have encouraged it, as well as its friends. The one hoped to prevent a civil war by checking it in time, and the other to make one. The hopes of those opposed to the revolution, rested in making the king of their party, and getting from Versailles to Metz, where they expected to collect a force, and set up a standard. We have therefore two different objects presenting themselves at the same time, and to be accomplished by the same means: the one, to chastise the *garde du corps*, which was the object of the Parisians; the other, to render the confusion of such a scene an inducement to the king to set off for Metz.

On the 5th of October, a very numerous body of women, and men in the disguise of women, collected round the Hotel de Ville or town-hall at Paris, and set off for Versailles. Their professed object was
the

the *garde du corps*; but prudent men readily re-
 collect that mischief is easier begun than ended;
 and this impressed itself with the more force, from
 the suspicions already stated, and the irregularity
 of such a cavalcade. As soon therefore as a suffi-
 cient force could be collected, M. de la Fayette,
 by orders from the civil authority of Paris, set off
 after them at the head of twenty thousand of the
 Paris militia. The revolution could derive no
 benefit from confusion, and its opposers might.
 By an amiable and spirited manner of address, he
 had hitherto been fortunate in calming disquietudes,
 and in this he was extraordinarily successful; to
 frustrate, therefore, the hopes of those who might
 seek to improve this scene into a sort of justifiable
 necessity for the king's quitting Versailles and
 withdrawing to Metz, and to prevent at the same
 time the consequences that might ensue between
 the *garde du corps* and this phalanx of men and
 women, he forwarded expresses to the king, that he
 was on his march to Versailles, at the orders of the
 civil authority of Paris, for the purpose of peace
 and protection, expressing at the same time the ne-
 cessity of restraining the *garde du corps* from firing
 upon the people.

Mr. Paine.

He arrived at Versailles between ten and eleven
 at night. The *garde du corps* was drawn up, and
 the people had arrived some time before, but every
 thing had remained suspended. Wisdom and policy
 now consisted in changing a scene of danger into a
 happy event. M. de la Fayette became the media-

Mr. Paine.

tor between the enraged parties; and the king, to remove the uneasiness which had arisen from the delay already stated, sent for the president of the national assembly, and signed the *Declaration of the rights of Man*, and such other parts of the constitution as were in readiness.

It was now about one in the morning. Every thing appeared to be composed, and a general congratulation took place. At the beat of drum a proclamation was made, that the citizens of Versailles would give the hospitality of their houses to their fellow-citizens of Paris. Those who could not be accommodated in this manner, remained in the streets, or took up their quarters in the churches; and at two o'clock the king and queen retired.

In this state matters passed till the break of day, when a fresh disturbance arose from the censurable conduct of some of both parties, for such characters there will be in all such scenes. One of the *garde du corps* appeared at one of the windows of the palace, and the people who had remained during the night in the streets accosted him with reviling and provocative language. Instead of retiring, as in such a case prudence would have dictated, he presented his musket, fired, and killed one of the Paris militia. The peace being thus broken, the people rushed into the palace in quest of the offender. They attacked the quarters of the *garde du corps* within the palace, and pursued them throughout the avenues of it, and to the apartments of the king. On this tumult, not the queen only,

only, as Mr. Burke has represented it, but every person in the palace, was awakened and alarmed ; and M. de la Fayette had a second time to interpose between the parties, the event of which was, that the *garde du corps* put on the national cockade, and the matter ended as by oblivion, after the loss of two or three lives.

Mr. Paine.

During the latter part of the time in which this confusion was acting, the king and queen were in public at the balcony, and neither of them concealed for safety's sake, as Mr. Burke insinuates. Matters being thus appeased, and tranquillity restored, a general acclamation broke forth, of *Le roi à Paris,—le roi à Paris*—the king to Paris. It was the shout of peace, and immediately accepted on the part of the king. By this measure, all future projects of trappanng the king to Metz, and setting up the standard of opposition to the constitution, were prevented, and the suspicions extinguished. The king and his family reached Paris in the evening, and were congratulated on their arrival by M. Bailley, the mayor of Paris, in the name of the citizens. Mr. Burke, who throughout his book confounds things, persons, and principles, has, in his remarks on M. Bailley's address, confounded time also. He censures M. Bailley for calling it, "*un bon jour*," a good day. Mr. Burke should have informed himself, that this scene took up the space of two days, the day on which it began with every appearance of danger and mischief, and the day on which it terminated without the mischiefs

Mr. Paine. that threatened ; and that it is to this peaceful termination that M. Bailley alludes, and to the arrival of the king at Paris. Not less than three hundred thousand persons arranged themselves in the procession from Versailles to Paris, and not an act of molestation was committed during the whole march.

Mr. Burke, on the authority of M. Lally Tollendal, a deserter from the national assembly, says that, on entering Paris, the people shouted, "*Tous les évêques à la lanterne*"—all bishops to be hanged at the lanthorn or lamp-posts.—It is surprising that nobody should hear this but Lally Tollendal, and that nobody should believe it but Mr. Burke. It has not the least connection with any part of the transaction, and is totally foreign to every circumstance of it.—The bishops have never been before introduced into any scene of Mr. Burke's drama ; why then are they all at once, and altogether, introduced now ? Mr. Burke brings forwards his bishops and his lanthorn, like figures in a magic lanthorn, and raises his scenes by contrast instead of connection. But it serves to shew, with the rest of his book, what little credit ought to be given, where even probability is set at defiance, for the purpose of defamation.

MR. CHRISTIE.

OF the French revolution in general, if, instead of confining our views to present and temporary advantages or evils, we wish to form a complete and just idea, we must inform ourselves of the ancient state of the kingdom, or of what France was; and of her future state, or what she will be. —As to the question, what France is, at this moment of crisis and confusion?—It is what a sensible man will least of all trouble himself about, and yet it is this to which Mr. Burke almost entirely directs his attention, and from which he forms all his conclusions.

Letters on
the Revolution of
France.

If, said a sensible friend to me, my house was ruinous and rotten, there would be much reason for pulling it down, and building up a new one. But this operation would be attended with expence, and many inconveniences.—In place of a house, there would, for a time, be nothing but a heap of rubbish. Yet, that spectator would give small proof of his wisdom, who either railed against me for altering my habitation, or who mistook the litter of the year for the eternal prospect of the place.

The picture of *ancient France* exhibits the melancholy view of a great and enlightened people, deprived of almost all the advantages nature had given them, by an oppressive and arbitrary government:—without *agriculture*, for the people (who

Mr. Chris-
tie.

are the cultivators) were despised and kept in the state of the lowest servitude:—without *commerce*, for it was reckoned dishonourable:—without *liberty*, for the life and property of every individual were constantly at the mercy of a minister, or of his mistress:—without *laws*, for where arbitrary will can suspend any thing, there the laws are a mere fiction: and lastly, without *morals*, for these depend on laws and a fixed constitution. How could there be morals in a country, where the whole government consisted of a system of oppression, from the highest down to the lowest ranks of society—where talents and worth availed nothing against interest and favour—where the only road to power and success was to flatter the great; to encourage their vices, and be a partaker in them—where no man trusted to the goodness of his cause, but to the patronage of some great man to support it—In fine, where women are nominally excluded from the throne, and yet the country was really governed by a set of prostitutes?

There was then a *necessity* for a change; and if we examine the manner in which the change has been brought about, I will venture to assert, that there is not in the records of history any example of so great a revolution accomplished with so little violence or bloodshed.

Amidst all the barbarity and folly with which the mobs in France have been charged, there is something in their conduct that gives me a very different idea of them, from that which I have been

been accustomed to annex to the lawless mobs of other countries. Though I regret their mistaken violence, I see it only took place where they conceived themselves threatened with the *greatest* danger; and while I deplore their needless cruelty, I cannot at the same time hinder myself from perceiving, that they imagined themselves acting as the ministers of justice, appointed to take vengeance on their oppressors.

Mr. Chiff-
tie.

Let it be remembered, that at the period when several persons had been put to death in Paris without trial or reckoning, and at that moment when the fury of the populace seemed to have been raised to its highest pitch, one of their number having taken an opportunity of stealing, was instantly detected, and punished upon the spot by his incensed brethren. The same spirit reigned through all. In the great mob at Rouen, while Mr. G—— was in the country, the mob rummaged his house in search of grain; but finding none, they retired without doing any mischief. Miss G—— told me that she had left a few guineas in a drawer, and forgot to take out the key: she had no expectation of ever seeing them more; but her surprise was great when she came home, found the drawers had been opened, and the money tumbled about, but not a piece missing.

On the 13th of July, say the electors of Paris, the mob gave us information of a man who sold national cockades, and had forced people to buy them at half a crown each; whilst, added they, ..

Mr. Chris-
tic.

in a tone of indignation, they were only worth a shilling. Those who accused this man, insisted that he should be treated as guilty of the crime of *lese revolution*, of having injured the revolution.

One of us, continue they, passing the Place de Grève, offered half a crown to a poor citizen ill armed, who had assisted him to get through the crowd. "Do you think of this?" replied the man—"money to-day is of no use, and you will see it. Who will have this half-crown that the gentleman offers?"—No money, no money, cried out the whole of his companions.

An intelligent observer (M. Mazzei, chargé d'affaires from the court of Poland at Paris) gave me a minute account of the conduct of the people, before, and at the time of taking the Bastille. He had been a witness of the whole, and from curiosity had traversed the streets during most part of the time. He declared he never beheld so wonderful a scene. An immense number of men collected together to execute any great purpose, always form an interesting spectacle, from the idea they give the mind of irresistible power. But when countless thousands were assembled to destroy the Bastille, and to deliver their country, the object became awfully grand and sublime. And the conduct of the people was worthy of the greatness of this design. Order, steadiness, and regularity were observed; determined courage was joined to the coolest fortitude. Every countenance was anxious, yet resolute; every mind appeared

appeared absorbed in one object—*Carthago est delenda*, was the firm purpose of all hearts; and every one seemed to say to himself, I may perish in the attempt, but France shall be free !

Mr. Christie.

At this time, the city was wholly in the power of the people. They might have pillaged, burnt, or ravaged it at pleasure; but nothing of this kind happened; we walked more securely during these dreadful nights, than in the time of the *spies* and *satellites* of arbitrary power. There never was a period when Paris was so free of crimes.

And after the Bastille was taken, it was, say the same persons, an admirable thing, to see the people delivering all they had taken, even to the coined money. The spoils of the Bastille and other houses were all brought to us; gold, silver, diamonds, all were given up. "We are no thieves," said the people, "but good citizens."

After the late terrible mob at the hotel of M. de Castrics, who had challenged the patriotic M. Charles Lameth to a duel, the president announced that though great disorders had been committed, and many things destroyed, yet the people had not carried away a single article.

Truly, Sir, there was something uncommon in such mobs: that of London in 1780, will bear no comparison to them: amidst all the disorder, and after all their mistakes, one sees something like *principle* in their conduct. "But how came the mobs in France to be so *cruel* in their vengeance?" The friends of arbitrary power would be wise not

Mr. Chris-
tic.

to ask us this question; for it leads to this but severe answer: " Their superiors had set the example." A despotic system of government had kept them ignorant, and consequently saw and the tyrannic acts they had seen or heard practised on their fellow-citizens, had inured minds to scenes of horror and barbarity.

Bastille had accustomed them to condemn punish without trial or accusation; the frequent repetition of *public capital punishments* (the disfigurement of civilized jurisprudence) had familiarized them with putting men to death; the *gibbets* of state pointed to the *lanterne*, and the *racks*, *fl* and *wheels* of established authority, had familiarized them to shut their ears against the cries of the dying, and to abuse the bodies of the dead.

These, Sir, are the true sources of the cruelties practised at the revolution. The ghosts of Foulon and Berthier are gone to prefer their complaints against the old tyrants of France. The matter will be tried, and the decision passed and executed, long before the men of 1789 arrive in the world of spirits.

The governors in France had the people expect as they had bred them; and it might have been expected, that whenever they got the power in their hands, they would retaliate upon their oppressors the same cruelties which they had been constrained to practise on each other.

When we speak of the disorders that took place in France during the revolution, we should remember

member that we live in a world where it is vain to expect pure good without any mixture of evil. Where, in the history of mankind, has *so much* been gained at *so small a price*? Il n'est point de maux (said Mounier) dont la liberté ne console, point d'avantage qui puisse en compenser la perte. Put together all the number of persons wounded or killed since the beginning of the French revolution, and the amount shall not be found equal to that of their subjects, whom ambitious kings have sacrificed in a *single* battle of an unjust war.

Mr. Chrif-
tic.

Through what struggles, contentions and distractions did the English nation pass, before the establishment of our present government? Mr. Burke reprobates the French; but he might have recollected, that we have acted in England the same scenes, and perhaps still more tragical ones than they have done, in order to secure our liberties. We have not only bound our nobles in fetters, and our kings in chains of iron, but we have slain our nobles by scores, and actually cut off our king's head. The difference between us and the French is only this, that what we did by piece-meal, they have done at once, and really with less evil to society.

Another capital defect in M. de Calonne and Mr. Burke's reasoning on French affairs is, that they ascribe all the evils that have happened, to the revolution, and even to the national assembly; concealing the real state of the case—that they may invariably be traced to the ancient system

Mr. Chris-
tie.

of injustice and despotism. Often have I heard in the national assembly, this phrase, "*Les maux inséparables d'une grande révolution!*" pronounced with pathetic regret. But the assembly were bound to suppress their feelings; they were bound to consult the good of millions, even if a few should suffer: they did not permit these to suffer unnoticed or unpitied, nor, when it was possible, unavenged.

"Doubtless we ought to regret (said M. Mounier) all the evils which the capital has suffered. May Paris never see again those terrible moments, when the law has no longer any power!—but may it also never again experience the yoke of despotism!—Whom can we reproach for the blood that has been shed? Is it not these perfidious counsellors who have been able to surprise the *religion* of the king to such a degree, as to make him prevent, by means of soldiers, the representatives of the nation from entering into the ordinary place of their meetings—as to make him transform the assembly of the nation into a bed of justice—to assemble at an immense expence an army, at the moment when the finances are in the greatest possible disorder, and when we experience an awful scarcity of provisions—to carry this army to Paris, Versailles, and the neighbourhood—to alarm the people for the safety of their representatives—to place the instruments of war in the sanctuary of liberty—to remove the virtuous ministers, who enjoyed the public confidence—to intercept the passage from
Paris

Paris to Versailles, and to treat the subjects of the king as the enemies of the state?"

Mr. Christie.

So absurd is it to ascribe these disorders to the national assembly, that if we examine into the particulars of them, we shall find that almost the whole of them arose from the *enemies* of the *assembly*, from the opposition made by interested individuals to those laws which were necessary for the good of the whole nation. Who were they that misadvised their benevolent, but too easy sovereign, to fill the capital with troops, to surround the house where the assembly met with armed men—to interdict their meetings, and force the deputies to retire to a tennis-court, where they joined in that immortal oath never to separate till they had finished the constitution? Great disorders followed these arbitrary proceedings; but who are we to blame as the source of them? Who were they that exerted every nerve to sow faction amongst the people—who printed thousands of inflammatory pamphlets, and sent them to every corner of the kingdom, to excite the provinces against the national assembly? Was it to be supposed that the people, who looked up to that assembly as their saviours, as their sole hope, could see its acts traduced, its authority reviled, its members abused, and their lives threatened, the house where it met talked of being blown up by gun-powder, without the least emotion, or without indignation against those daring and hardened culprits who would have sacrificed twenty-five millions of men, to keep up their usurped

Mr. Chris-
tie.

usurped power, and unjust pensions, drawn from the vitals of the people? If a few rich proprietors in some provinces were plundered, or had their houses burnt down, it was not till they had excited the vengeance of the people. How few of them dare assert that they did not provoke their fate? Let any man set to work to draw up a list of those that suffered *guiltless* in the French revolution: he would I am sure be ashamed to publish his catalogue.

That I may not seem to exaggerate what there is no need of exaggerating, I shall in a note give you a specimen of the manner in which some of the principal members of the assembly were characterised, in the famous *Adresse aux Provinces, ou Examen des Opérations de l'Assemblée Nationale*, which was circulated with great care all over France, and of which the motto was, “ *Ils n'ont rien respecté, et ils veulent qu'on les respecte* *.”

The

* “ Who, I ask you, have you chosen as your representatives?—Who but a paltry *Rober/pierre*, who was never known at Arras, but by his ingratitude to the bishop, who made him be educated?

“ A *Mirabeau*, escaped from the gallows, but not from infamy, and whose very name is become an abomination.

“ A *Prince*, who was never known amongst you, but by his gluttony, his love of money, and his indifference to the opinion of the public.

“ A *Pethion de Villeneuve*, in whom you have never been able to distinguish any thing but the confidence of folly, and who, vile instrument of factious men! resembles the cries
“ of

The same reasoning I have used relative to the
 ts, will apply to other errors or evils attendant
 the revolution. If a people, suddenly let loose
 m bondage, had committed some follies in the
 t moments of exultation, on the recovery of
 ir liberty, if their conduct had been enthusiastic,
 even riotous, a wise statesman would not have

Mr. Christie.

a fair, who are stationed at the doors of theatres to make
 noise whilst the farce goes on within.

A *Barnave*, an insolent, ignorant coxcomb, in whom ta-
 nts supply the room of principle and morality—in a word,
 hat one calls a *droll*.

An Abbé *Sieyès*, whom you saw dishonour himself at the
 sembly of Orleans, and who, after having tried in vain every
 ethod to make his fortune, is come to confound all con-
 ditions, in order that he may rob and plunder amidst the dis-
 rders.

A *Clermont-Tonnerre*, equally despised by both parties, whom
 e has served and betrayed by turns; a great genius for small
 ings; and so small a one for great objects, that he believes
 imself worthy of fortune, because he is deceitful like her;
 nd who, envious of all, but having only the paltry resources
 f his own mediocrity, knows ambition merely as the impotent
 o love, by its disquiets and jealousy.

A *La Borde*, rich by means of 40 millions stolen from the
 ate, the financier of the archbishop of Sens, and then the
 ost faithful supporter of despotism, but who, after having
 riched himself with the blood of the misfortunate, wishes
 ow that for his sake those ranks should be destroyed, which
 y money alone his could not attain to.

A *Gouy d'Arcy*, who has not been able to escape contempt,
 ren in this vile assembly."

uch is a sufficient specimen of the abominable abuse and
 hood of these unprincipled and base writers. Can we won-
 that the populace should have been kindled to indignation
 inst them, as well as those that *hired* them?

been

Mr. Chris-
tie.

been surprised, and a candid statesman would have forgiven them. To judge of such a people from ourselves, who never experienced any thing like their situation—to measure the feelings and conduct of men at once brought into a new world, by our own old ideas—to launch forth into elaborate criticisms or tragical declamation on their errors, marks a want of political sagacity, an ignorance of human nature, and a narrowness of mind ill concealed under the mask of superior wisdom.

ANONY.

A N O N Y M O U S.

WHEN this news [of M. Necker's dismissal] was carried to Paris, the fury of despair and enthusiasm animated every mind. The people considered Necker as the only pledge of liberty, his name resounded from every side, and the faction of the Palais-Royal contrived to join the less worthy name of the duke of Orleans in the same acclamations. Their busts were taken from the sculptor's shop, and carried about in triumph. Witnesses have since attested that a few voices were heard to cry, "Shall this prince be your king, and shall Necker be his minister?" But the Parisians were not *quite* furious enough to give *their* assent to the first of these propositions.

Historical
 Sketch of
 the French
 Revolution.

The prince of Lambesc, colonel of the regiment of royal Allemand, stationed just without Paris, advanced into the garden of the Thuilleries, and vainly endeavoured to disperse the populace, who threw stones at him; he is accused of *assassination* because he struck and wounded some persons who, perhaps, were not the foremost in the attack; a case which frequently happens in these scenes of confusion.

He and his troops retired, nor did any of the surrounding regiments attempt that night to enter Paris, which some have considered as a proof, that the ministry of the hour had *foolishly* rather than *wickedly* thought it was easy to overawe Paris by

Q

the

Anonymous. the presence of troops, and did not foresee the necessity of those sanguinary measures which their enemies affected to consider as decided and resolved upon.

All regal, all judicial, all municipal government was now at an end in the city of Paris, and one universal panic, dread of slaughter from the army, and of plunder from thieves and banditti, had seized the whole body of the people. The Parisians soon presented that extraordinary scene, rare even in civil commotions, of a hundred thousand individuals animated by one common soul. On Monday the 13th of July the temporary bodies of the electors of representatives took the command in their several districts, and were obeyed more implicitly than Lewis the Fourteenth in the zenith of his power. The Gardes Françaises offered their services and were accepted. Thirty thousand citizens unaccustomed to arms, were armed, nay, trained to some appearance of discipline in twenty-four hours: a green cockade was first taken (as the emblem of hope) and then rejected, for the since famous national cockade, red and blue (the colours of the arms of Paris) intermixed with white (the old national colour). Some plunder and mischief did actually take place, especially at the house of the congregation of St. Lazare (a truly pious and charitable institution, but at that moment suspected to have a quantity of corn in their granaries). Many flighter robberies were committed, and the robbers, when taken in the fact, were carried to the *Grevé*,
and

and hung on the rope which commonly served to fasten a lantern. From hence originated all those barbarous conceits and quibbles about *lanterns*, which have since infected so many of the French writings, and that horrid custom of constituting themselves judges and executioners in the same moment, which the French people acquired in twenty-four hours, and have not forgotten in two years.

Anonymous.

On Tuesday, the 14th of July (a day for ever memorable in the annals of mankind), the newly formed army, after taking arms from the *Garde-Meuble* and the *invalids*, who made no resistance, marched to summon De Launay, the governor of the Bastile, to lay down his arms; and it is said, that he gave them ambiguous hopes of compliance. A number of Parisians then came to the gates to demand arms and ammunition. De Launay admitted them, and as soon as they were within the first court, is generally said to have fired on them. This act of treachery, from a man so unpopular as the governor of an odious prison, and suspected besides of defrauding and starving his prisoners, inflamed the public revenge to a degree that blood itself could hardly expiate: but as Launay was not suffered to live to defend himself, it is impossible to know whether he could have explained or extenuated this apparent treachery. Bezenval on his trial affirmed, that he could not believe the crime imputed to Launay: however, no Parisian patriot doubted of it; the fortress was attacked

Anonymous. with that energy which results from despair ; and, to the astonishment of all military men, those seemingly inaccessible towers and ramparts yielded, in two hours, to a volunteer army, scarce one of whom had ever beheld a siege before. De Launay was dragged to the Place de Greve, murdered by the mob ; and the savage custom of insulting the last remains of the dead, and exhibiting their heads upon pikes, as the despot of Constantinople exhibits the heads of his disgraced vizirs, first commenced in this instance. If he broke the laws of war, as a criminal, he deserved it ; but the example has been dreadful.—Crimes beget one another—the major of the Bastile was murdered with equal cruelty, although he is now lamented even by democratic writers, as a man who was merciful to the prisoners, and deserving of a better fate. A young man of fashion (the marquis of Pelleport), who had received kindness from M. de Lofme when in prison, took him in his arms, and pathetically intreated the people to spare his friend. All intreaties were in vain, the major's head was cut off, and his greatful defender could, with difficulty, escape the same fate. The new-formed * *soldiers of democracy* loudly exclaimed, “ *Let us bang the whole garrison !*” but the *French guards*, who had once been the *soldiers of monarchy* (now styled ty-

* I believe it would not be difficult to prove from history, that *ferocity towards enemies* is the *leading vice of democracy* ; that *immense dissipation* is the *leading vice of European monarchy* ; whilst the *Oriental despot* unites them both.

runny), had not yet forgot their old *monarchical* and *military honour* ; they begged mercy for those soldiers who had once served under the same banners with themselves, and they were too useful allies to be refused. Anonymous.

The prevot des marchands, M. de Fleffelles, had been, in the mean time, detected in a correspondence with the court ; he was turned out of his office by the committee of electors—shot, as they were conveying him to prison, and his body was dismembered in the same savage manner.

After some hours had passed away in the double intoxication of joy and revenge, some humane persons recollected that the prisoners ought to be delivered ; their cells were broke open, and they were conducted in triumph round the garden of the Palais-Royal.

Seven prisoners only were found in the Bastile, most of whom were persons accused of forgery, and two or three only were objects of compassion, as they had been detained ever since the reign of Louis the XVth. and, having lost their reason, had remained prisoners because nobody knew what to do with them. The municipality of Paris were obliged, in a few days, to send them to *Charenton*, which answers to our hospital of Bedlam.

After all the detestation excited against the queen and the comte d'Artois, it does not appear that any victims of their revenge were discovered—whilst mademoiselle Pompadour, the idol of all the wits and philosophers of those days—the idol of that

Anonymous. *Voltaire* to whom the French are going to erect monuments,—that *infamous idol* had filled, with her victims, all the prisons of France.

Any one instance of a miserable being confined in solitude, without knowing his crime or his accuser, till his reason sinks beneath the load of misery, is alone sufficient to fix indelible disgrace upon a government;—and bold must that pen be which could attempt to vindicate *the Bastille*. Had the gates of that horrible fortress opened to a *peaceable deputation* from the *three orders of the state*, charged with collecting materials to prove the necessity of those laws in favour of personal liberty, which the king himself had left to their consideration and free votes,—such a day would have deserved to be celebrated by *one universal jubilee* of all the *friends of freedom*. And I cannot yet see any reason to believe, but that such a glorious day would have taken place, if the constitution of the 23d of June had been accepted.

But as the event now stands, the feelings of impartial men ought to remain suspended. *The taking of the Bastille has betrayed the secrets of all governments, republican as well as monarchical*: it has proved that nothing can withstand the unanimous force of an enraged multitude: an awful truth! upon which all *kings* and *senates* should meditate in trembling silence, but of which the multitude ought ever to remain ignorant.

Is this speaking like a friend of despotism? Then let me ask those scholars, with which our sect of
independ-

independents is undoubtedly well provided, whether Tacitus is a friend to despotism? and then, whether he expresses any *transport* at the *fall* of *Nero*? Can they not perceive, through the veil of his obscure conciseness, that his deep-searching mind was more affected with the misfortunes threatened to the Roman empire, from the want of *subordination* of the *soldiery*, than gratified by the death of a single tyrant, although he was the most enormous monster that ever disgraced humanity? What panegyrics are bestowed, both by Tacitus and by Pliny, on Virginius Rufus, whose uncommon merit was to have refused the empire from the hands of the soldiery, and told his army, that he would not take arms against a tyrant, until the *senate* had ordered him!

If any citizen of Paris had made a similar excuse for not arming, his head would probably have been on a pole the next moment.

It is difficult to say what provocations would have induced the national assembly to have given the decisive *orders* that would have *sanctioned resistance* by force of arms; for, at that momentous period, the democrats seem to have yielded the *post of honour* to the moderate party, who always intended resistance without bloodshed.

The assembly, on hearing of the disgrace of Necker, thought that its own ruin was determined; the members assembled on Monday the 13th with the terrors of dissolution and imprisonment before

Anonymous.

their eyes, but were resolved not to give up a single point. Mounier began a firm yet temperate speech, by acknowledging the great and immutable line that must be drawn between the legislative and the executive power ; a line which, having once acknowledged, the assembly has since pretended to respect, but, in fact, has continually overpassed. He owned that the assembly had no legal right to direct the king's choice of ministers ; but as the choice he had now made led to the most dangerous consequences, it was necessary to vote their solemn and grateful thanks to M. Necker, and declare, that the new ministry had not the confidence of the nation. Lally Tolendal seconded his efforts, and votes of a similar nature passed *almost* unanimously.

The assembly, before it parted, voted a famous resolution, by which it declared, " That the actual counsellors of the king were personally responsible for the present misfortunes, and, for all that might ensue." Mounier, in his answer to Chabroud, confesses, that this vote had too much resemblance to an *ex post facto* law ; but says, it was necessary in their desperate situation. The king was also solicited to recal his troops, and to entrust Paris to the guard of his own citizens. He gave a general answer, " That he was deeply afflicted with the melancholy situation of Paris ; that it was impossible that the troops he had sent for could be the real cause of it ; that they were indispensablely

"sibly necessary for the preservation of peace and order; and that he invited the assembly to go on with its labours."

Anonymous

On Tuesday, the 14th of July, messengers of ill news came from all sides to the court (as fast as the messengers in the Book of Job), and every hour announced some new disaster: not only the *Gardes Françaises* had deserted, but the faith of the whole army was wavering. The national troops had strongly imbibed the idea, that it was unlawful to fight against their fellow-citizens; and the foreign regiments, who had never been popular in France, and who were dreaded as the ready instruments of plunder and carnage, appear, on the contrary, to have been very cold and indifferent to the cause they were called to support.

At last, the news of the taking of the Bastile, and the sad fate of Launay and Fleffelles, like a thunderbolt, levelled to the ground all the fond presumption and busy intrigue of the French court. Whether any sanguinary projects were then meditated by those courtiers who read their own fate in that of Launay, can only be matter of conjecture; for the wild assertions of their enemies, though still repeated, have never yet been proved.

The national assembly, dreading the greatest evils, resolved not to break up their session, but to pass the night in their hall; a spirited resolution, which we shall see, that they ought to have repeated at a very different period.—It is said, that the king was kept in ignorance of the real state of affairs; and that

Anonymous. that about midnight the duc de Liancourt brot into his apartment, informed him of the who truth ; and, besides, informed the count d'Artois that the Parisians had set a price upon his head. This *last piece* of information was irresistible, and the count no longer endeavoured to keep up his brother's courage. The most *unconditional submission* was resolved upon ; the king went early on Wednesday morning, without any guards, to put himself entirely into the power of the assembly.

In his speech he took occasion to tell them, that he knew some had dared to publish, that the *persons* of the deputies were not secure : he asked if it was necessary to contradict such criminal reports belied by his well-known character ; and added that he entrusted himself into their hands, and called on them to save the state : concluding with the information, that he had ordered all his troops to leave the neighbourhood of Paris and Versailles.

This speech was received with loud acclamation and all the members rising, as by common consent accompanied him back to the palace.—From that instant he had, in effect, resigned the sovereignty into their hand ; and, from this instant, the middle party, led by Mounier, Lally, Malouet, were reconciled to him, and seemed to have relied upon his faith ; whilst the friends of extreme democracy either feared or affected to fear, that his known irresolution would throw him back into the hand of their enemies: consequently, they resolved to settle him

him to the utmost of their power; and, what was much worse, they were indifferent as to the criminality of the means by which those fetters were imposed. Anonymous.

The Parisians were still preparing against sieges and blockades; the old office of *prevot des marchands* was suppressed; M. Bailley, formerly known for his astronomical writings, was named mayor of Paris; the marquis de la Fayette was elected to the command of their new-formed army.

A deputation of eighty-four deputies was now sent from the national assembly to the city of Paris; not in the dignified manner in which the Long Parliament might have *ordered* the earl of Essex to lay down his arms, if it had concluded peace with Charles the First: no! the revolution of the 14th of July stood upon a very different footing. However the just odium of the Bastille has varnished over the events of that time, the real state of facts is no other than this: that it is lawful for any corporation to take up arms, seize the king's garrisons, and put his officers to death, if a frantic apprehension has seized *them* that they shall be murdered by the king's troops. The national assembly have, on other occasions, shewn some jealousy of the principle, that all garrisons ought to be entrusted to burghers; and would, probably, have shewn more jealousy of the new-formed republic of Paris, if they had been safely out of its reach. Their deputies, who went to *offer*, almost to *implore*, peace, were received with great applause; but still the general mistrust and fear of massacre remained: the

Anonymous.

the king himself was advised to visit the city of Paris, and on Friday, July the 17th, he resolved on this humiliating and dangerous measure; fully convinced, at the same time, that he encountered the peril of instant assassination. He was received at Seve by 25,000 *national guards* (as they are now to be called); the procession was, indeed, melancholy—the cry of “*Vive la nation*” alone prevailed, and the favourite cry of “*Vive le roi*” was not once heard till, at the Hotel de Ville, he had declared his affection for his people, and accepted the Parisian cockade. During a speech of M. de St. Merry, which hinted at the supposed designs of the court against Paris, Lally Tolendal says, that a denial so involuntary, so positive, burst from the king’s lips, that it was impossible for bye-standers not to be convinced, that it was the language of innocence falsely accused. He returned in the evening to Versailles, and was received with transport by his courtiers, of whom many had never expected to see him again.

Notwithstanding the safe return of the king, the vanquished party expected no mercy from their enemies. In the course of a week or ten days, marshal Broglio, the Polignacs, the Luxembourgs, all who were even *supposed* to have accepted posts in the short ministry of three days, and, lastly, the princes of Condé and Conti, the count of Artois and his two sons (the very family next in succession to the crown), all disappeared one after another, protected by the broken and retreating army; and
after

after a series of romantic adventures and dangers, reached England, Germany, or Italy, in safety—
 but a safety at once shameful and precarious. Anonymous.

The queen alone remained—the queen, equally hated by the people, who supposed that she had induced her husband to listen to the count d'Artois advice, she was left by those favourites who had poisoned her unexperienced youth with the false taste of prodigality and dissipation, was left alone and unprotected, to confront a danger from which the blood of the great Condé, and of Henry the IVth, shrunk with apprehension. From that moment, whatever may have been her former errors, she becomes an object of compassion to generous minds.

Cazales, d'Epresmeuil, and Maury, retired for a short time, and then returned, encouraged by that inviolability which the assembly persisted in claiming for its members. They have since continued the most intrepid opposition to the measures of the triumphant party; but that party very well know that their opposition may be despised as ineffectual, because so many (even of moderate men) think that they, in a great measure, caused the misfortunes of France by their obstinacy in refusing a temporary union for that verification of writs, which would have legally sanctioned their respective chambers.

All the refractory nobles hastened to renounce their former protest, and held themselves absolved
 by

Anonymous.

by necessity from the oath taken to their constituents. It was agreed to bury the name of *states-general* in oblivion, and the name of *national assembly* was henceforth used by all parties. But no concessions softened the savage spirit of the Parisians, and, indeed, much pains were taken to keep it up to its utmost height. A song was fabricated and became the most popular *vaudeville* at Paris, which, alluding to some phrases used by the defeated party, "*ça n'ira pas*," this business can never go on, repeated for its burden, "*ça ira, ça ira*," it will go, it will go on; and ended with wishing all the aristocrats to be hanged at the lantern: "*tous les aristocrates à la lanterne*."

These barbarous words (which are set to no elegant tune) have been sung as the *death signal*, "*Le signal de la mort*," as Mallet du Pan expresses it, in every part of France, and some attempts have been made to introduce them into foreign countries, where the people had any cause of variance with their magistrates, particularly at Geneva.

Let it be observed, that the word *aristocrate* (aristocrat) was chosen from the first, instead of *royaliste*, to express the victims devoted to popular fury, probably because it was more difficult to make the word *royalist* sound odious to a Frenchman's ears. But it is a much more dangerous word to be made the *stibboleth* of party, because it is much more extensive and undefined, and might devote to the lantern the friends of the repulic of

Berne, or of the kingdom of England, as well as the supporters of the despotic nobility of Poland, or of the French tyrannical lettres de cachet. Anonymous,

The fruits of these seeds of revenge and murder soon appeared in the horrible deaths of Foulon, an old rich financier, a man of bad character, and suspected of having accepted a place under M. Broglio, and of Berthier, the intendant of Paris, and Foulon's son-in-law.

They were seized in their flight, dragged to Paris on the 21st of July, and murdered, with all those circumstances of refined insult and inhumanity, which are notorious to all Europe, and which, *very near*, if not *quite*, transformed a civilised city into a *hells* of *New Zealand cannibals*. I never heard but one imputation denied, that of the mob having obliged Berthier to *kiss* the *head* of his *murdered* father-in-law.

It is confessed in the democratic history of the revolution, that the mob were actually going to present him the head for that purpose; but some degree of humanity remained in La Riviere, the *elector* who brought Berthier to Paris, and he obliged them to take away that dreadful object. Bailly and Fayette exerted themselves to preserve these miserable victims for farther examination; but soon found that they must either abandon them to the populace, or share their fate. La Fayette expressed himself with much indignation, and threatened to resign the command of the Parisian troops; but was persuaded to retain it, in

Anonymous.

order to prevent greater mischiefs. Here let a native of England be permitted to remember with exultation, with what ease the lord mayor and common council were able to rescue the hated Jefferies from the hands of an English mob, and that too in a moment when all the bands of government were dissolved by the flight of James the II^d.

As the scarcity of corn still continued, some scenes of horrid murder had actually taken place at St. Germain, Pontoise, and Poilly, on the supposition of monopoly; others had with difficulty been prevented. The moderate party grew alarmed, and Lally Tolendal was one of the first to lay before the assembly the dangers of that increasing sanguinary spirit.

It has been usual with the friends of the French revolution, to ask whether the *national assembly* ever *approved* of the crimes, which they were forced to allow were unnecessarily committed. To which it may be answered, that the enemies of the revolution, the middle party, as well as the aristocrats, concur in accusing the *majority* of that assembly of *conniving* at all these crimes; and never, even to the present day, having punished any enormity committed against any person suspected of favouring the nobles or the clergy.

The true test of the *liberty* and *impartial justice* of any state is to be found in its behaviour towards those who do not love the *governing faction*. For it may be asked in the words of scripture, with a
small

small alteration, "If you *are just* to those who love Anonymus.
 "you, what thank have ye, for tyrants even do
 "the same?"

But the writers to whom I allude go farther, and positively accuse many of the violent *patriots*, Mirabeau in particular, of inciting the mob to wicked actions, and bring, as proof, the difficulty that Lally and Mounier found to carry their point, when they proposed a proclamation to warn the people from thus making themselves judges and executioners. One set told them that "their business was to make laws, and not to attend to a few disorders."—Another said, "If they interfered, the town of Paris would declare against the assembly," which, indeed, I believe was the great motive of its inactivity. One cried out, "If it was not for these Parisians, whom you blame, you would not now be sitting here;" and when Lally described the horrid deaths of Berthier and Foulon, the celebrated patriot Barnave ironically asked, "If the blood he lamented was so *very pure*;" whilst Mirabeau told him "it was a time to *think* rather than to *feel*:" to which he answered, "Tiberius *thought*, and our good king Louis the twelfth *could feel*."

Here is a passage in a speech of Mirabeau, which is commended in the democratic *Histoire de la Revolution*: "If these scenes which have passed at Paris had passed at Constantinople, the most timorous characters would say, the people

R

"have

Anonymous.

“ have done themselves justice, the measure of iniquity was full, and the punishment of one vicer will become a lesson to another.”—I believe, on the contrary, that the first impression of a reader of such paragraphs from Constantinople would be, to thank Heaven that he was born under an European government; and that few besides Mirabeau would have ventured to hold out the crimes of Constantinople as an excuse for the crimes of the *polite* city of Paris.

At last the sense of shame had a little effect on the assembly; and on the 23d of July a proclamation was decreed, inviting all Frenchmen to peace, order, and tranquillity; but it was worded in the least coercive style that could be chosen, and every strong expression suggested by Lally, that “ whoever excited troubles was a bad citizen,” and that “ the punishment of a crime was itself a crime when not commanded by the law,”—all these were carefully retrenched from this tame composition.

Necker had been recalled by the king's letters of the 16th or 17th of July, and was now on his way to Versailles.—On the 30th he made his triumphal entry into Paris, and those voices that a few days before could hardly cry *vive le roi*, now made the air resound with the shouts of *vive M. Necker*. He endeavoured to make an excellent use of this moment of popular favour, and persuaded the Parisians in an eloquent speech to send orders

orders for the release of M. Bezenval, and to set the example of a general amnesty, which might restore peace to the agitated kingdom. Anonymous.

But in this attempt, so consonant to virtue and humanity, he committed two important political errors, which lessened the enthusiasm of his admirers. The first and greatest was applying to the city of Paris for the liberty of an accused criminal, and for a general pardon, since no power but the national assembly (which now filled the place both of sovereign and of parliament) could lawfully grant either. It was but too true that Paris was assuming the shape of an independant republic; but the assembly did not wish to have it treated as such, although it had not spirit to confine that turbulent city within the bounds of subjection. The second fault was addressing the *electors* of Paris as a *legal body*, whereas their proper function was merely to choose representatives, and the Parisians had only suffered them to assume command on the 13th of July, because there was no other body of men on whom they could rely. It is not, therefore, surprising if a spirit of jealousy seized the districts of Paris. They grew enraged against the joint councils which sat at the Hotel de Ville, both for promise which they had made of Bezenval's liberty, and for a proclamation of pardon and peace which were ordered to be sent round to all the municipalities; another tumult was threatened: the Hotel de Ville was obliged to retract both these measures, and the electors finding themselves

Anonymous.

become unpopular, and regarded as usurpers, resigned their places in council. The only assembly then remaining to govern Paris, was called *Assemblée des Représentans de la Commune de Paris*, with the maire, M. Bailly, at their head.

A deputation was sent from the malecontent districts, to complain to the national assembly of the promise of an amnesty. The assembly, who had more than one reason to dislike it, declared that a tribunal should soon be established to try the late ministers, and a committee to examine into the accusations against them: it also decreed, that Bezenval should be kept under safe guard at Brie-Comte-Robert, the town where he was then confined. This last clause saved his life; for the historian of the revolution owns* that no human power could have prevented another murder if he had been brought to Paris.—Thirty thousand frantic Parisians waited for him a whole day at the *Grève*, and had prepared with savage pleasure all the instruments of his death.

It was high time to put some curb upon the revengeful spirit of the people, for it had spread into the provinces, which had almost all taken up arms on the news of the revolution at Paris. Every man was ready to attack his own enemies under pretence of public good, and above all, the tenants thought this was their time to revive every old quarrel with the proprietors of land.—The first

* Vol. ii. page 263.

marks of this spirit appeared in Franche-Comté, where the peasants were still under a kind of vassalage. Anonymou^s.

M. Mesmay, a counsellor of the parliament of Besançon, and known to be attached to the party of the nobles, had, in order to shew a forced satisfaction at the state of things, invited his neighbours and tenants to an entertainment. Some mischief happened by gunpowder, but its cause and extent have never been clearly ascertained. It was immediately said, that Mesmay, from the fanaticism of humbled vanity, had designedly blown up as many of the people as he could collect together. The *Hist. de la Revolution* tells the story in the same horrid way that it was first reported. Lally Tolendal, in the most opposite and strongest terms, calls it "an *infernal fable*, which was buried in "oblivion as soon as the calumniators found that "the tide of public indignation would be turned "against them." The peasants of Franche-Comté were already beginning to rise; the horror inspired by this story hastened their taking up arms, many gentlemen's seats were plundered and burnt, and the same dreadful contagion of revolt spread even into other provinces, where the peasants were not enslaved.—Here follows a short, imperfect list, given by Lally Tolendal, of some of the atrocious cruelties which were the *first fruits* of liberty in France*. The reader will, perhaps, take it for

* See Memoire de Lally Tolendal, pages 104, 105, 106.

Anonymous. the annals of Catharine of Medicis, or an account of the Dragoonades of Louvois.

“ In Languedoc, M. du Barras, cut in pieces in the presence of his wife, who was big with child, and died of terror.

“ At Mans, M. de Monteffon, shot to death after having seen his father-in-law murdered.

“ In Normandy, a paralytic gentleman thrown into the fire, and taken out again after his hands were burnt.

“ A steward, whose feet were burnt off to make him give up his master's title deeds.

“ In Franche-Comté, Madame de Battenay, forced to give up her title deeds with an ax held over her head.

“ Mad. de Liffenay, who also gave up her deeds with a fork at her neck, and her daughters in a swoon at her feet.

“ The respectable marquis d'Ormenan, a paralytic old man, driven from his castle in the night, pursued from town to town, and who arrived in the canton of Basil just in time to save himself and his daughters.

“ The count of Montefu and his wife, who were held for three hours with pistols at their throats, and begged death as a favour from their enemies, dragged at last from their carriage, and on the point of being drowned in a pond, when a regiment passed by and saved them.

“ The chevalier d'Ambli, taken from his house, dragged naked through his village, his hair and

“ eye-brows torn off, and thrown into a dunghill, Anonymous.
 “ whilst his tormentors danced round him. }

“ The baron de Monjustin, one of the twenty-
 “ four *popular* gentlemen (gentlemen who some
 “ months before had signed a declaration favourable
 “ to the people), was suspended over a well for an
 “ hour and a half, while he heard his enemies deli-
 “ berate whether they should drown him, or put
 “ him to some other death.”

I almost wish that Lally had been more particular in these stories, because they relate to that class of sufferers by revolutions who deserve more pity than princes and courtiers; but their truth seems undeniable, since they are shortly told even by the author of *L'Histoire de la Revolution*.

In Maçonnois and Beaujolois the fertile banks of the Saone were desolated by still more terrible because more concerted tumults. A village attorney forged an order from the king to destroy all gentlemen's seats (called *chateaux* in the French idiom). He assembled six thousand followers, some peasants, some thieves and smugglers, and in a few days burned seventy-two gentlemen's houses, and plundered the churches and small towns: at last the gentlemen assembled, and levied a kind of army, and on the 29th of July defeated this banditti with great slaughter. It was said in foreign newspapers, but I know not if with truth, that the lawyer who headed them was tortured for three days together, to make him discover his abettors, and died without confessing that any one had set him on. A kind of

Anonymous. temporary tribunal was erected at Maçon, and twenty or thirty of the banditti were condemned and executed. The democratic writers are of opinion that this tribunal was illegal, and its sentences and proceedings too severe.

There were many other troubles in many other parts of the kingdom. In Brittany several gentlemen were imprisoned on a false and absurd accusation of intending to give up Brest to the English. At Caen, M. de Belzunce, an officer, was murdered with all the cruel circumstances of *cannibalism*, which Paris had taught the provinces, because it was suspected that he had excited his soldiers to insult other soldiers who wore the national cockade. At Strasbourg a riot happened, in which the troops got intoxicated, and exerted their *natural right* of judging and acting for themselves, in deeds of outrage and plunder. But these particular evils were not so terrible to a reflecting mind, as the fear of one universal *jacquerie* throughout the whole kingdom, and of seeing the name and the spirit of that dreadful insurrection of 1358, revived in the *human* eighteenth century.

The democratic writers are ashamed of these horrors, and endeavour to throw them on the aristocratic party, who, they say, excited these revolts in hopes of dissolving the national assembly. But what individuals of that forlorn party can they rationally accuse? Did the *gentlemen* in a body forge orders from the king to destroy *gentlemen's* seats? This is a conspiracy so much in Mr. *Bayes'* style,
that

hat the *Revolution historian* is himself ashamed of asserting it. Can the exiled courtiers and princes be suspected? Supposing them capable of such wickedness, they were fugitives, and had at that time barely money sufficient for their own maintenance. The author so often quoted accuses the petty agents of despotism, such as tax-gatherers, for instance, who were afraid of losing their places. This is not *quite* impossible; but the democrats ought first to justify themselves from having employed a rabble of low villanous agents, who, in particular cases, probably went farther than their masters intended. It was the democratic books which had marshalled in array against the great landed possessors all the enormities (some true, some false), that had ever been committed by noble landlords since the days of Charlemagne, and thus had suggested arguments by which knaves that *could* read might seduce the poor that *could not*. It was not the aristocrats who had wrote that bloody song of "*Tous les aristocrates à la lanterne*," or designed those equally bloody prints which Lally Tolendal describes, and which excited the people to cut off the heads of all who were called their enemies. Some of the democrats, Mirabeau in particular, always affected a careless indifference to all these tales of horror, as will appear to the readers of his *Courier de Provence*; and to crown the whole argument, the national assembly has always endeavoured to suppress any strict researches into the causes of these tumults, and have lately put a stop to the inquiries that were still carrying on in the *Mafommois*.

With

Anonymous.

With what joy would they have produced any evidence that could have affected even the lowest agent of aristocracy!—And as for the banished princes, could they have been proved to have employed such a monster as the lawyer aforementioned, their rank would not have protected them from a sentence of death in any country under heaven.

As these horrid scenes of murder and sedition were perpetually going on in every quarter, and the non-payment of taxes was joined to all the other evils, the national assembly began to be alarmed. On the 4th of August, a motion was made to remove all these sources of confusion by some vigorous resolution. The vicomte de Noailles observed, that in the present fermentation of the people's minds, such a declaration would only provoke them to worse violence, if it was not accompanied by some decrees in their favour. He proposed that it should be voted, that all taxes should, in future, be equally supported by all citizens; that all the *feudal rights* of landlords should be redeemable by the peasants for a sum of money; and that the *main-morte* and the *corvées*, or the right of employing the peasant's labour, should be abolished without indemnity.

The first of these articles had been already very nearly agreed upon by the clergy and nobles even before the meeting of the states: the second was the great point in dispute betwixt the orders; the latter article, relative to the *main-morte* or *vassalage*, was a reformation at which the king had laboured
for

for several years, and which was expressly proposed in the declaration of the 23d of June; but he and his ministers intended an indemnification to the landlords. Anonymos.

If there is not too much national egotism in quoting the example of England, it may be observed, that when the *beritable jurisdictions* were abolished in Scotland, our parliament did not stand upon metaphysical principles, that it was contrary to the nature of government to lodge justice in private hands, but sweetened this bitter potion to the great lords, by purchasing these rights out of the public money. And if there are still any relics of the feudal system left behind, it is to be hoped that Britons may live to see them extirpated gradually and silently, even if we should never boast of "the glorious night of the 4th of August," nor strike medals, nor sing *Te Deum* on the occasion.

That night, which I am alluding to, was, no doubt, in its appearance, extremely honourable to the French nation. A spirit of generous enthusiasm animated the whole assembly; the nobles renounced their feudal rights, and their rights of hunting; the clergy their tithes; the deputies of those provinces governed by their own states, renounced their right of taxing themselves. A hundred other petty renunciations were voted by acclamation, and room could scarce be found at the table for the deputies, who crowded upon one another to sign their renunciations with their own hand.

But notwithstanding the apparent brilliancy of
this

Anonymous.

this scene, I will boldly assert, that all these series of laws, most difficult and intricate in their execution, voted in this romantic manner, were not so likely to do real good, or to promote lasting concord between the rich and the poor, as *one* bill to remove *one* grievance, voted according to the slow forms of our acts of parliament, after a full discussion, and a fair hearing of the arguments on both sides.

A few days before the 4th of August, the king had, by letter, informed the assembly of the formation of his new ministry; the great seal was given to the archbishop of Bourdeaux; the nomination of benefices to the archbishop of Vienne; and the war department to M. de la Tour du Pin; St. Priest and Montmorin had been recalled with Necker: the three first-named were members of the assembly, but from that time ceased to sit and vote. The assembly expressed much satisfaction at this nomination, but this satisfaction soon gave place to new jealousies. Two great objects now occupied the assembly; the first was, the declaration of the Rights of Man; the second, the report of the committee destined to fix the grounds of the new constitution. Of the first performance, so admired by the Revolution Society, I shall say little; as I have often declared, that I leave abstract disputes to speculative authors by profession. The clergy and the nobles are the first to allow that many of its articles are excellent, but complain, that they have been cruelly violated whenever their interests
are

are concerned. I shall only observe, that it was ^{Anonymous.}
 imprudent, in that moment of general fermentation,
 to lose so many days in metaphysical discussions;
 and that a declaration of the rights of man in gene-
 ral, without distinction of country or colour, was a
 rash measure for a nation which has *colonies*, and
colonies cultivated by *slaves*, and yet is resolved to
 keep those colonies at all events. M. Barnave,
 in a subsequent debate on the situation of their
 colonies, was the first to tell the assembly
 that, unfortunately, the *rights of men* could not
 apply to the West Indies; that if they endeavoured
 to make the application, they would lose their co-
 lonies, impoverish their trading and manufacturing
 towns; and that the common people, grown despe-
 rate, by the disappointment of their hopes, would
 be ready to sell themselves to the enemies of the
 revolution. The history of the troubles in the
 French West India islands, or even in St. Domingo
 alone, the disputes between the governors, three
 assemblies raised in three different portions of the
 island, and the national assembly in France; be-
 tween the whites, their slaves, and the free mulat-
 toes, who think they, as freemen, ought to have a
 vote for deputies, would of itself fill a volume;
 but they are as yet imperfectly known in Europe.
 I believe, however, they sufficiently confirm Mr.
 Burke's exclamation, — "The colonists rise on
 "you, the negroes rise on them;—troops again!
 "massacres! tortures! hanging!—*These are your*
 "*Rights of Men!*"

Just

Anonymous.

Just after the famous resolutions of the 4th of August, the king's ministers had demanded an audience, and, having obtained it, the archbishop of Bourdeaux, as keeper of the seal, gave a melancholy picture of the disordered situation of France ; and Necker, as minister of finance, demanded that the assembly would sanction a loan of thirty millions of livres as indispensably necessary. This loan was permitted after some objections, arising from the instructions of their constituents to complete the constitution before they granted subsidies. But the assumed admiration of the patriots of M. Necker was apparent and not real ; they were determined to shew that they were not influenced by a *first lord of the treasury* ; they altered the terms of the loan into others less favourable to the lenders ; and thus declared at once to the nation their want of confidence in the man whom they had extolled even to adulation. The consequence was, that the monied men immediately closed their purse-strings ; the loan was never filled ; the failure of public credit, which might have been kept secret, was betrayed to all Europe ; and the most democratic of their writers is forced to censure the assembly on account of this rash measure. *Hist. Rev.* vol. ii. p. 355.—A loan of eighty millions was afterwards voted on terms proposed by M. Necker ; but the effect was no better, the first opportunity had been lost, and could not be regained ; the taxes were evaded or refused in every part of the kingdom, especially the hated salt-tax ; and smugglers exercised

ified their employment openly, even in the very ^{Anonymous} own of Versailles. This sin is also laid to the door of the disgraced aristocrats ; but, supposing it was justly laid, their treacherous insinuation could only be founded on democratic principles, consecrated by the assembly, *the illegality of the present axes*, and the right of every citizen to pay no subsidy against his own consent. So dangerous may it prove to infuse abstract general truths into unenlightened minds.

A scheme of patriotic contributions was now promoted ; even silver buckles and gold ear-rings were received as gifts to the state ; the king and queen sent their plate to the mint, not so much, as Necker expresses it, for the real value of the donation, as to gain a small supply of gold and silver for current coin. And the latter end of September, Necker presented a scheme to the assembly of a tax, which Richlieu or Louvois would have started at, an extraordinary contribution of the fourth part of each man's yearly revenue to be fixed by the word of honour of the contributor, and be payable at different epochs in the course of three years. This severe tax, almost unheard of in the annals of tyranny, one of the most republican assemblies was obliged to vote, under pain of instant bankruptcy. Mirabeau, by his extraordinary eloquence, greatly contributed to their resolution, although he hinted all the time, that he regarded Necker with no esteem or confidence ; but if the assembly refused Necker's plan, they made themselves answerable for

Anonymous.

for the evils that would follow. This miserable state of the kingdom, confessed by the most popular journalists, occasioned the renewal of the most atrocious accusations between the two parties, and gave birth to more extraordinary scenes than any that had yet disgraced the revolution. The nobles and clergy were again accused of conspiracies against the revolution. The historian of the revolution (vol. iii. page 227) positively affirms, that a subscription was secretly opened for the murder of good citizens; that priests and nobles signed this proscription; that it was resolved to invest once more with an army, both Paris and Versailles, to dissolve, sword in hand, the national assembly, and to kindle in all the empire the flames of civil war. Let it be remembered that even this violent writer does not accuse priests and nobles of kindling a civil war to defend arbitrary taxation or imprisonment, but to defend their own wealth and their own honours. Mounier and Lally, on the other side, tell you, that the violent republicans were resolved, at the hazard of murder and civil war, to compel the king and national assembly to reside within the walls of Paris, and be subservient to the influence of that turbulent capital.

That many of the nobles and clergy used rash language is probable; they saw their ruin determined, they saw that the slightest observations, which tended to make their disgrace less apparent and their fall more easy, were received as an affront by the violent party; and by La Harpe's confession

(in

(in the *Mercur de France*), the writings in every coffee-house used to express their hope that the very word *nobility* would soon be banished from the language. On the other hand, the courtiers, and the queen especially, might very lawfully dread a compulsory residence amongst a people who had distinguished themselves by their cruelty, and who received the name even in some very anti-aristocratic newspapers, of the *cannibals of Paris*: not that the people of Versailles were much more humane. A strange scene which had lately passed there, proves how strangely the *sovereignty of the people* was interpreted at that time. A man was condemned to the wheel for the murder of his father; he pleaded in the excuse, that his father kept a mistress, with whom he (the son) had frequent quarrels, and that the father interfering one day, received, unfortunately, a blow that was aimed at the mistress. The people took the son's part, and carried him off from the place of execution. Even this would have been tolerable, but they hung up a woman who loudly condemned their conduct; and though she was cut down alive, yet the poor creature had been so much hurt that she expired the next day: the mob then went to the *Garde des Sceaux*, and instead of imploring the pardon of their own crimes, loudly demanded the life of their most obnoxious criminal, and, I believe, obtained it.

However, though the *sovereigns* of Versailles had assumed the arbitrary power of life and death, yet Versailles was not a walled town, like Paris; and

S

therefore

Anonymous.

therefore it was possible to escape from their bloody mandates. The king was at that time still attended by his *gardes du corps*, a regiment detested by the people, because it was entirely composed of *gentlemen* (our life guards here in England were once on the same footing, but it was found impracticable here to keep up the same regulation). Versailles had its national guards, and they had put themselves under d'Estaing's command, but they had shewn little inclination to resist the mob, and still less to fight against the national guard of Paris. The old *gardes Françaises*, now in the service of the town of Paris, in their hearts regretted the honour of guarding the king, and were, consequently, very open to the solicitations of that secret cabal, who were always willing to renew those projects of M. de St. Huruge, which la Fayette and Bailly had disappointed on the 30th of August : he wrote on the 16th or 17th of September a letter, mentioning how he had detected an attempt to persuade the grenadiers to set out for Versailles ; and added, " this inclination was entirely destroyed by the few words which I said to them ; and I think no more of the transaction, except that it gives me an idea of the unceasing resources of the caballers ; *ressources inépuisables des caballeurs.*" He therefore, though very anti-aristocratic, believed that there was a dark cabal, an under plot directed against the present possessor of the crown. Mounier, Lally, and all their party, are equally possessed with the same idea, and fix upon Mirabeau

and the duke of Orleans as its heads. I do not mean to accuse them decisively, but only repeat historically the accusations of others; and as to the duke of Orleans in particular, it is probable, that at worst, he was the *instrument* rather than the *head* of the cabal. Anonymous.

An incident that passed on the 15th of September, increased these suspicions. The assembly had, in order to preserve the appearance of French loyalty, declared the king's person sacred and inviolable and confirmed the succession to the crown as established by the Salic law. The friends of the duke of Orleans proposed to declare, that the renunciations of Philip Vth of Spain to the French crown were valid and legal, and therefore that the Orleans branch was next in the line of succession after the reigning branch. This great question was talked over, rather than debated, for three days, and at last adjourned from considerations of *prudence*. M. de Virieu has attested upon oath (*Procédure*, dep. 140), that when he represented privately to Mirabeau the danger of offending the Spanish branch *unnecessarily*, as there were so many heads between them and the throne, Mirabeau answered, that the question might not be far distant; that the king and the count de Provence were very corpulent, and might not be long lived; that the only remaining dauphin was but a child; and that the count d'Artois and his children might be regarded as fugitives, and almost out-laws (*à-peu-près ex-lex*). Other deputies overheard this conversa-

Anonymous. tion, and no doubt such as heard it, and already entertained a bad opinion of Mirabeau, did not go away convinced of his *tender regard* for the lives of the royal family. A few days after, about the 18th of September, La Fayette's letters were communicated by d'Estaing to the municipal committee of Versailles, and they were persuaded to demand an additional regiment to fortify the town against any sudden violence. This request being granted, with some difficulty the regiment of Flanders was sent for; but immediately the suspicions of the common people of Versailles and Paris were inflamed, and the orators of the Palais Royal affirmed that the king was to escape from his people under the escort of this regiment.

Some rough * drafts of letters from the count d'Estaing to the queen, found when his papers were afterwards seized, are brought as a kind of proof, but they only amount to vague reports of an escape to Metz, which he had picked up in patriot company, and it appears that he being convinced how often the irresolution of the king had led him into embarrassments, was afraid, lest he should be influenced by such ideas; but had not the smallest personal knowledge of such councils. For my part, when I consider the utter impossibility of resisting 30,000 men with 2,000 (for the king had no more at Versailles), I cannot think that the plots of the king amounted to more

* Hist. de Revol. vol. iii. page 229.

than

than a wish to shew his enemies, that if they drove him to despair by using violence, he still had defenders who would die in his cause. But this measure, like all other measures of the unfortunate French court, was so ill managed, that it brought on the catastrophe which it was intended to avert. No sooner had the regiment of Flanders arrived at Versailles, than (as is attested upon oath) the former *allies* of *Parisian liberty*, the women of pleasure, were detached to dissuade the soldiers to absent themselves from roll-calling, and to be guilty of all those petty acts of military insubordination, which provokes officers fully as much as greater enormities. In this temper their officers were invited to a dinner, given according to the usual etiquette of the service, by the *gardes du corps* to the regiment just come into garrison.

Anonymous.

The king and queen were injudiciously persuaded to visit them after dinner, and bring the infant dauphin. They were received with the most extravagant demonstrations of joy and loyalty, and the music played the air once so popular, "O Richard, *O mon roi ! l'univers t'abandonne.*" The banquet continued till late in the night, and ended with complete drunkenness. In their cups they drank the king's health, and refused to drink the health of the *nation*; the *gardes du corps*, who had never quitted the white cockade for the striped Parisian cockade, are supposed to have declared their resolution of not wearing it; and the officers of the regiment *de Flandres*, who knew that a soldier

Anonymous. with that famous cockade thought himself superior to his officer, probably concurred in it; but the super-added accusation of tearing and insulting the national cockade has been denied, on the oath of all the gentlemen present. As soon as the news of this imprudent banquet were, with additional circumstances, transmitted to Paris, the highest rage was excited in the populace, which was kept up by the price of bread, which had been very high during all the summer, and now amounted to an absolute scarcity, so that money itself could not purchase bread in the market.

On the morning of the 5th of October the smothered flame burst forth: a number of women, chiefly of the classes before described, with men habited as women, and therefore evidently the disguised agents of conspiracy, broke into the Hotel de Ville, and plundered it. As an essay, I suppose, of the business of death, some of them hung up a poor ecclesiastic, whom they met on the stairs*. Others, more *charitable*, cut the man down, beat or kicked him into sensation, and sent him home to recover at leisure.

The cry was universal to go to Versailles, demand bread of the king and the assembly, and take vengeance on the *gardes du corps*. After seizing a magazine of arms, and forcing open the prisons, a detachment of *Amazons* set out about noon, breathing threats and imprecations against

* Procédure Criminelle au Chatelet, deposition 44.

the queen, the guards, and the clergy. No modest tongue can repeat half the language of these *auxiliaries to liberty*; and every humane tongue must falter at repeating the other half. The party that remained behind were, at length, dispersed by La Fayette, and his national guard; but the latter refused to disperse them by any violence, and told their general, that they *could not fire upon their fellow citizens who asked for bread*. The same phrensy of going to Versailles seized upon these troops*, and some of the grenadiers plainly told La Fayette that they heard *the king was an idiot, and that matters would go on much better if a council of regency was appointed*.

Anonymous.

Fayette endeavoured to temporize for some hours, but he and his officers being afraid for their own lives, were compelled at last to yield; and after obtaining an order from the mayor of Paris *to lay before the king the uneasiness of his people*, about five in the afternoon he set forward with his national army, in all the form of military parade.

Verfailles was beginning to take its share in the general confusion. The first articles of the constitution, which enacted that the national assembly should only be one house, the king's suspensive veto, &c. &c. along with the declaration of the rights of men, had been laid before the king for his sanction; Mounier had lately been made president, and his enemies were already predicting

* See Procedure, deposition 30.

Anonymous, that his presidency would be the occasion of his fall.

The king sent his answer on the morning of the 5th of October, and his answer did not give satisfaction.—These were some of the expressions that displeased: “I grant, according to your desire, my
“accession to these articles; but, on a positive
“condition, which I will never depart from, that
“by the general result of your deliberations, the
“executive power shall have its entire effect in
“the hands of the monarch.”

These words certainly shewed an inclination to capitulate with the assembly, and not to surrender the whole kingly power at once to the discretion of republicans: but whether such a meaning deserved the treatment due to a tyrant, I leave to the consciences of all honest men.

Violent debates were occasioned by the king's answer, and Mirabeau took occasion to inveigh against the imprudent feast of the life guards; another deputy said that it had been attended with criminal words and actions; and being asked if he meant to impeach (*denoncer*) any particular person*, Mirabeau rose, and with looks of fury cried out, “Declare that the king's person alone is
“*sacred*, and I will bring forward the impeachment
“ment myself.”

Whilst he waited for an answer, he repeated with suppressed rage to his next neighbours, the

* Mounier, Appel contre M. Chabroud, page 229.

names of the *queen* and of the duc de Guiche, ^{Anonymous.} colonel of the life guards. Mounier values himself, that, by exerting, almost for the last time, his authority as president, he stopped this shocking question, which would have certainly led to that shocking catastrophe, the murder of a defenceless princess, which many people suspect was intended by the *cabal*.

The army of male and female ruffians were now beginning to enter Versailles, and from that time the confusion was so great, that none of its historians have described it very clearly. The *gardes du corps* are accused of provoking their enemies by some rash actions, which are either denied or justified by their friends. It may be observed, once for all, that the indifference with which the patriots had treated the murders committed at Paris, had convinced the real or supposed aristocrats that they could hope for no protection from the laws, and that force alone must repel brutal force. We cannot, therefore, wonder if they are sometimes liable to the imputation of beginning the attack when they once heard their lives threatened by the mob. But in this particular instance I do not find any sufficient proof that the guards had recourse to illegal violence. The *garde nationale* of Versailles was rendered averse to them, and partly from the insinuations of a M. le Cointre, who was from the first their enemy and accuser. The regiment of Flanders had been gained by the double seduction of women and money. The king, convinced

Anonymous.

vinced that their small number could do him no real service, sent them positive orders not to fire, and about six o'clock ordered the greatest part of them to leave the town, while some few still remained to guard the interior part of the palace. Whether in their retreat they fired rashly upon some of the banditti who insulted them, or whether those banditti fired purposely to throw on them the odium, seems uncertain; but the *garde nationale* of Versailles took the pretence to fire on the guards, exclaiming first that some of their men were wounded, and vengeance was denounced on the regiment from all quarters.

In the mean time the national assembly was filled with enraged women, who, by the mouth of their orator, M. Maillard, inveighed against the aristocrats, who occasioned famine, and wore white cockades; and sometimes they interrupted the debate with oaths and menaces. A deputation of the most decent of this party was sent to the king, along with the president M. Mounier. The king received them kindly, and issued the strongest orders that could be given, for the immediate supply of Paris.

In the midst of this confusion, the most important of all possible transactions, the sanction of the leading articles of the constitution, was still under debate.

Mounier was a second time sent to the king, to demand the *acceptation pure et simple* of the proposed articles. The king granted it, and Mounier returned

returned with this momentous act to the national assembly. No words can express the extravagance of the scene which then succeeded. The women had got completely intoxicated ; the deputies had mostly fled from their bacchanalian fury ; they crowded in every part of the hall, filled the seats of the deputies, and even the president's chair itself. Under *such auspices* and in *such company* was the national constitution of France promulgated !

Anonymous.

Republicans may doubtless despise the violation of aught so insignificant in their eyes as a *regal palace* ; but can they reflect without horror on this shameful violation of the *majesty of a republic* ? America is the French model : Washington is their hero. Would Washington have permitted such insults on legislation to go unpunished ?

Whilst the deputies were retreating to their homes, hoping the worst was over, the unexpected news was brought that Fayette was marching to Versailles with 30,000 men. Signals of musquetry and rockets were heard and seen at a distance, and the hoarse sound of the drum which Mounier had caused to be sent through the streets to summon the deputies to a second meeting, sounded to the affrighted inhabitants of Versailles like the prelude of war.

Fayette, however, seems to have come with pacific intentions ; he made his troops stop in the avenue of Versailles, and swear fidelity to the king and to the laws ; he presented himself first before the king, and then before the assembly, with the appearance

Anonymous

appearance of great submission and respect ; he lamented to Mounier and his partisans the measures which a powerful cabal had forced him into ; and it was understood that a few submissions from the *gardes du corps*, and their adopting the national cockade, would reconcile every thing. About two or three in the morning he persuaded Mounier to break up the assembly, and retire to rest ; which afterward proved to have been a fatal error. It is probable that the fears and fatigues of the day had quite exhausted him ; but he ought to have resisted nature, and not have closed his eyes in sleep when ruffians were waking for murder ; and the assembly, who had sat up one night for their own protection, might have sat up another for the protection of the king.

The dismay and embarrassment of the court had been excessive, and some schemes had even been proposed of flight, which would certainly have been followed by the king's deposition. Mounier hints that he advised the king to give his *pure* and *simple* acceptation to the constitutional articles, though he himself thought many of them very faulty ; but to resist courageously the violent attempts of the Parisians, and to call on the national assembly to assert their own freedom and the freedom of their sovereign. It appears as if the king himself was desirous that the queen should retire to some place of safety, and that an attempt was once made to send for the royal carriages, which were stopped by the people.

The queen nobly refused, and said, " She would
" stay

"stay and die at the king's feet." Her whole ^{Anonymous.} behaviour, whilst a furious mob was at intervals cursing her and calling out for her blood, is attested upon oath, and allowed by her greatest enemies to have been firm and collected in the highest degree; nor does the eloquence of Mr. Burke interest one so much in her favour as the simple deposition of her bedchamber woman, who says, that at two o'clock, "*La reine se coucha fort tranquillement*"—The queen went to bed with great tranquillity. So much coolness at such a dreadful moment displays an innate greatness of mind, which the influence of bad example had warped, but could not annihilate*. A scene was, however, at hand, which no firmness was able to resist.

At six o'clock, a body of the same ruffians, who had left Paris the day before, broke with furious menaces into the courts of the palace, seized two of the life guards on their posts (Mess. de Huttes and Varicourt), dragged them into the outer court, and murdered them in the most cruel manner, their heads being severed from their bodies by the unexperienced hand of a self-constituted executioner, one Nicolas, who, from the beginning of the troubles, had prided himself in beheading or mangling the enemies of liberty.

Another party rushed into the queen's apart-

* Her mother's courage has been admired by all Europe; but Maria Theresa was never for a moment in danger of her life.

ments,

Anonymous. ments, roaring out " That they would *eat her heart*, and make a *fricassée* of her *liver* *." (I beg my reader's pardon ; but it is necessary they should see Parisian liberty in its true colours.) The centinel, M. de Miomandre, after resisting a few minutes, opened the queen's door, and called out, " Save the queen, her life is aimed at ; I stand alone against *two thousand tigers*." He was soon after desperately wounded and left for dead, but crept away unseen, and has since recovered. The unhappy queen flew almost naked through the apartments, starting at the sound of pistols that were fired in the courts, and calling out to every guard whom she saw, " O my friends ! save my life, save my children." It appears certain that the attendants thought the life of the *beir to the crown* was in danger. The alarm spread fast, the children were hurried † from their apartments, and brought to the king's feet, as their only chance of safety. Such was the reliance still placed on the superstitious respect that Frenchmen pay their king.

The king had been awakened by the noise, and flew through a private passage to the queen's apartment, alone and unprotected, to defend her life. He was met by some of his guards, and escorted back to his own apartment, where he found her in

* See Procedure, depositions 9, 18, 370, 375.

† Deposition 158.

safety. Some say she fainted in his arms; but the circumstances of their meeting do not appear in any of the depositions. Anonymous,

What would have been the event had he met the ruffians in their frantic career of blood, is hard to say; perhaps traditional superstition would have pleaded in vain; perhaps it would have been as *proud a day* for France, as *some writers* think the 30th of January is for England*.

The murderers were now employed in breaking open an apartment, where the persecuted life guards had barricaded themselves; when, in that critical moment, La Fayette and his officers appeared. The ruffians were with some difficulty *persuaded* to desist—*persuaded* and not *forced*; for the national guards would not use force against men whom they called their fellow-citizens; and some of them had seen from their posts the murders of M. M.

* It may be objected to this implied simile, that there is a great difference between a murder by ruffians, and a judicial trial and execution.

I answer, that the difference is apparent rather than real. Charles the First was murdered against the sense of a large majority of his people; the forms of justice were but a mockery; he was not sacrificed to the guilt of his former offences, but to the revenge of Cromwell and Ireton, whom he had mortally offended by choosing to make peace with the presbyterians rather than with the independants. Let us again hear Burnet, who was sufficiently prejudiced against his cause and his memory:

“The king’s trial and death was certainly one of the most amazing scenes in history. The presbyterians and the body of the city were much against it, and were every where sitting and praying for the king’s preservation.”

Huttes

Anonymous.

Huttés and Varicourt, without attempting to save them. Some other life guards had, I believe, been killed, and all were in danger; all were hunted from place to place by their enemies, like the protestants after the Saint Barthelemi; but their particular escapes it were unnecessary to relate.

The king himself, attended by La Fayette, went through the palace, recommending his guards to the mercy of the Parisians, and declaring that they were unjustly accused. He now appeared on a balcony to repeat his intercession, and the mob violently called out for the queen. Fayette went to seek her. She hesitated for a moment, and asked if her presence was necessary to appease the people*. He assured her it was. "Then," said she, "I will go, even if I was sure that I went to "execution"—*au dernier supplice*.

She did appear, bearing the dauphin in her arms, and the popular fury seemed a little appeased; although some of the spectators, whether truly or falsely, still thought they saw amidst the crowd, musquets levelled at the queen's head†. Presently a universal cry resounded, "To Paris, to Paris!" The whole royal Family were now at the mercy of the people; nor could la Fayette have insured their lives, if they had appeared to hesitate. The king assented; papers were dispersed around to convey these tidings to the crowd; the melancholy

* Procedure, deposition 190.

† Deposition 365.

preparations were soon made, and the royal family ^{Anonymous.} set off, preceded by the bloody heads of their own guards, accompanied by ruffians and infamous women in savage triumph, and escorted by some of the dispersed obnoxious regiment, disarmed and treated as prisoners of war.

Mounier, who had reposed too much on La Fayette's vigilance, was awakened at eight o'clock by these horrid tidings. His imagination pointed out to him the downfall of liberty, no less than that of monarchy. He hastened to the assembly, and proposed that they should immediately resort to the palace, hold their meeting in the great saloon of Versailles, and assist the king with their advice in this momentous crisis. Mirabeau answered, that it was beneath their dignity to meet in the king's palace, and this answer was accepted as a sufficient reason. Mounier asserts that the joy of Mirabeau, of Barnave, and the more violent *patriots*, was indecently apparent; whilst the others imagined themselves surrounded by armed men, trembled for their lives, and dared not utter a word. It was voted, that *the national assembly was inseparable from the king*; and they went on debating, or pretending to debate, on some trifling subject, whilst the dismal procession was moving off for Paris.

The broken remnants of the middle party met the next evening under as much apprehension as the courtiers themselves, convinced that their own lives were aimed at; that the freedom of the assembly was at an end, and that its laws would now

Anonymous. be dictated by a triumphant faction. Some resolved to stay; Mounier and Lally Tolendal resolved to quit the assembly.

Whether their determination was blameable, would form too long a discussion. Mounier's life had been threatened by the mob, and therefore his enemies have accused him of fear. He says in his defence, that he had resolved to stir up the province of Dauphiny to insist that the national assembly should not be held at Paris, and to declare that its decrees could not pass as binding whilst it voted under the influence of a mob and an army; and other deputies, he says, professed to have similar intentions. Whether this plan was lawful is also a matter of doubt; it might certainly have led to a civil war, that evil which Mounier had once so much deprecated. But his plan was soon disappointed: Barnave and many of his brother deputies had prepossessed the people's minds against him; and in a short time this advocate for liberty was forced to leave France, to shelter himself from the resentment of that province, which but a few months before had adored him. He has since resided at Geneva, fully prepossessed with the melancholy sentiment, that all his efforts had only ended in enslaving France to the despotism of faction, instead of the despotism of royalty.

I should not have been so minute in many of these little details, which Mr. Burke has already described, if they had not, from his relation, been ridiculed, and almost denied.

I have

I have advanced nothing but what is asserted upon the oath of eye-witnesses, in the depositions taken before the Chatelet, omitting whatever bears the appearance of hearsay report ; and I know but of one material fact *at issue* between the contending factions—Whether or no the ruffians entered the queen's chamber, and searched her bed ? Mounier values himself, amidst all his misfortunes, that he had first called the attention of the public to the horrid massacre intended, and actually begun on the 6th of October, and thus compelled the national assembly to order its authors to be prosecuted. Anonymous.

There are three systems laid down with regard to this event, which must be explained to the reader.

Some think, like the writer of Dupont's Answer to Burke, “ that the revolution was already effected, and that the events of the 5th and 6th of October added to every species of atrocity the most perfect inutility.”

Very different is the system of the author of *Histoire de la Revolution*,* who calls them “ fatal days, if in respect to the bloody scenes which they presented : happy days in respect that they saved the king and the nation, extinguished the torches of civil war, and stifled the conspiracies formed against the constitution †.” If these days were such a *necessary supplement to the Revolution*,

* Vol. iii. p. 398.

† I have the oftener quoted that book, because the *Mercur de France* once praised its impartiality.

Anonymous. *tion*, an author may then be excused if he has detained his readers a little too long on their shocking transactions. May it not fairly be observed, that a similar excuse might serve for the contrivers of the massacres of St. Barthelemi—"We Catholics were the majority of the nation, we wanted to stifle the conspiracies of the minority, and the popular fury went a little farther than we intended."

The third system, espoused both by the aristocratic and the moderate party, is, that two factions concurred in raising these tumults with very different intentions. The republican levellers meant to put it entirely out of the power of king, nobles, or clergy, to defend any one of their rights, not only by arms, but even by legal resistance. Another party, supposed to be headed by Mirabeau, was more favourable to *monarchy*, but wished to change the *monarch*, and set up some *phantom* of power, under whose name Mirabeau and a few more of the cabal should govern with supreme authority. The object of the first party was to confine the king within the walls of Paris; the object of the second was to terrify him into flight; but it was the interest of both to unite in the use of the same means, sedition and murder.

The famine so often laid to the charge of the nobles, is, by this system, laid to the charge of these factions; for, says Mounier, could the courtiers wish to bring the enraged Parisians to Versailles, when they had not troops enough even to protect their flight? The famine ceased as soon as the

the

the king was lodged at Paris ; another proof, say ^{Anonymous.}
 his advocates, that it was occasioned by the rulers
 of the people, and not by a weak disjointed party,
 who could not thus have produced, and then put
 a stop to it by their word of command.

The levelling party succeeded ; the other faction,
 more criminal, because less heated by enthusiasm,
 were baffled, disappointed, and reaped no other
 harvest than disgrace and mortification.

The reader is left to judge between the two op-
 posite systems.

SIR BROOKE BOOTHBY.

Letter to
the Right
Hon. Ed-
mund
Burke.

WILL you permit me, Sir, to hazard a conjecture? Twenty years ago you would not have thought of this revolution as you do now. In the sage caution I think may be discerned something of the timidity of age; some traces perhaps of the strong impression made upon your vivid imagination by the violences to which you were an eye-witness in the summer of 1780. In your dread of disorder and misrule you would counsel rather to bear the ills we have, of what magnitude soever, *quemvis durare laborem*, than fly to others that we know not of. "Your resolution is sicklied o'er
" with the pale cast of thought."

As the source of the revolution in France seems to have been purer, so its process has hitherto appeared milder than any in ancient or modern story. The journal of the siege of Londonderry furnishes more horrors than all that we know of this great event. A few obnoxious heads and some voluntary banishments have been the only sacrifices to vengeance and the infernal gods. Nor can these be fairly attributed to any new spirit infused into the people by the disorder of the times. The execution of M. Foulon cannot be compared for atrocity with that of the marechale d'Ancre, or the massacre of the king's guards with the night of St. Bartholomew. And yet these happened before the baleful
atmosphere

atmosphere of philosophy, the *azote** in which no virtuous or salutary prejudice can continue to breathe, had poisoned the minds of men; when those very principles of loyalty and gallantry whose fall you so tenderly lament were yet in their meridian splendour.

Sir Brooke
Boothby.

The humiliation of a king, and the terror of a queen, form under your pencil a very pathetic picture; a tragic and affecting lesson of the instability of human greatness. You seem to consider these great personages, what in the day of their prosperity they are always ready enough to consider themselves, as above vulgar humanity. In their sufferings I fear they found that they were mere mortals. For my part, so far from looking upon those who are born to crowns as being of a superior nature, I think they have not the common chance with the rest of mankind. It is out of our weaknesses and wants, the sweet intercourse of services and benefits, that all the social ties of charity and benevolence are formed. Men will feel for others what they apprehend for themselves :

—Non ignara mali, miseris succurrere disco—

They will labour to obtain a superior rank among their fellow mortals by superiority in learning, or wisdom, or courage, or usefulness, or virtue. But kings, as they are above the social necessities, so they are above the social feelings of life. Having no equal, they can have no friend nor no competitor;

Sir Brooke
Boothby.

and standing on the pinnacle of greatness, to labour for any higher elevation by the common means of eminence, must appear to them like adding “another hue unto the rainbow, or with taper-light seeking the beauteous eye of heaven to garnish; —a wasteful and ridiculous excess.”——

As to the unhappy beauty whose charms so well deserve to be recorded in the sweet strain of your eloquence, I most sincerely join with you in pitying her distress, because I conceive it must be very poignant. When you go forth the knight of this fair unfortunate, I shall be proud to be your squire. In the mean time I do very truly hope, that together with the dignity of sentiment becoming her high birth and station, she also enjoys the heartfelt satisfaction to reflect that she has not by her own conduct contributed to her own misfortunes; that it is over her distresses only, and not over her faults, that her friends and admirers would wish to draw a veil.

The COMPOSITION and CHARACTER of the
NATIONAL ASSEMBLY.

MR. B U R K E.

THE formal constitution of the national assembly, as it now stands, is exceptionable enough: but the materials of which, in a great measure, it is composed, is of ten thousand times greater consequence than all the formalities in the world. If we were to know nothing of this assembly but by its title and function, no colours could paint to the imagination any thing more venerable. In that light the mind of an enquirer, subdued by such an awful image as that of the virtue and wisdom of an whole people collected into a focus, would pause, and hesitate in condemning things even of the very worst aspect. Instead of blameable, they would only appear mysterious.—But no name, no power, no function, no artificial institution whatsoever, can make the men, of whom any system of authority is composed, any other than God, and nature, and education, and their habits of life have made

Reflections
on the Re-
volution in
France.



Mr. Burke. made them.—Capacities beyond these the people have not to give. Virtue and wisdom may be the objects of their choice ; but their choice confers neither the one nor the other on those upon whom they lay their ordaining hands. They have not the engagement of nature, they have not the promise of revelation for any such powers.

After I had read over the list of the persons and descriptions elected into the *tiers état*, nothing which they afterwards did could appear astonishing. Among them, indeed, I saw some of known rank ; some of shining talents ; but of any practical experience in the state, not one man was to be found. The best were only men of theory. But whatever the distinguished few may have been, it is the substance and mass of the body which constitutes its character, and must finally determine its direction. In all bodies, those who will lead, must also, in a considerable degree, follow. They must conform their propositions to the taste, talent, and disposition of those whom they wish to conduct : therefore, if an assembly is viciously or feebly composed in a very great part of it, nothing but such a supreme degree of virtue as very rarely appears in the world, and for that reason cannot enter into calculation, will prevent the men of talents diffused through it from becoming only the expert instruments of absurd projects ! If what is the more likely event, instead of that unusual degree of virtue, they should be actuated by sinister ambition and a lust of meretricious glory, then the feeble
part

part of the assembly, to whom at first they conform, becomes in its turn the dupe and instrument of their designs. In this political traffick the leaders will be obliged to bow to the ignorance of their followers, and the followers to become subservient to the worst designs of their leaders. Mr. Burke.

To secure any degree of sobriety in the propositions made by the leaders in any public assembly, they ought to respect, in some degree perhaps to fear, those whom they conduct. To be led any otherwise than blindly, the followers must be qualified, if not for actors, at least for judges; they must also be judges of natural weight and authority. Nothing can secure a steady and moderate conduct in such assemblies, but that the body of them should be respectably composed, in point of condition in life, of permanent property, of education, and of such habits as enlarge and liberalize the understanding.

In the calling of the states-general of France, the first thing which struck me, was a great departure from the ancient course. I found the representation for the third estate composed of six hundred persons. They were equal in number to the representatives of both the other orders. If the orders were to act separately, the number would not, beyond the consideration of the expence, be of much moment. But when it became apparent that the three orders were to be melted down into one, the policy and necessary effect of this numerous representation became obvious. A very small desertion from either of the other two orders must throw the power

Mr. Burke. power of both into the hands of the third. In fact, the whole power of the state was soon resolved into that body. Its due composition became therefore of infinitely the greater importance.

Judge, Sir, of my surprise, when I found that a very great proportion of the assembly (a majority, I believe, of the members who attended) was composed of practitioners in the law. It was composed not of distinguished magistrates, who had given pledges to their country of their science, prudence, and integrity; not of leading advocates, the glory of the bar; not of renowned professors in universities;—but for the far greater part, as it must in such a number, of the inferior, unlearned, mechanical, merely instrumental members of the profession. There were distinguished exceptions; but the general composition was of obscure provincial advocates, of stewards of petty local jurisdictions, country attornies, notaries, and the whole train of the ministers of municipal litigation, the fomentors and conductors of the petty war of village vexation. From the moment I read the list I saw distinctly, and very nearly as it has happened, all that was to follow.

The degree of estimation in which any profession is held becomes the standard of the estimation in which the professors hold themselves. Whatever the personal merits of many individual lawyers might have been, and in many it was undoubtedly very considerable, in that military kingdom, no part of the profession had been much regarded, except the highest of all, who often united to their
professional

professional offices great family splendour, and were invested with great power and authority. These certainly were highly respected, and even with no small degree of awe. The next rank was not much esteemed ; the mechanical part was in a very low degree of repute.

Mr. Burke.

Whenever the supreme authority is invested in a body so composed, it must evidently produce the consequences of supreme authority placed in the hands of men not taught habitually to respect themselves ; who had no previous fortune in character at stake ; who could not be expected to bear with moderation, or to conduct with discretion, a power which they themselves, more than any others, must be surprised to find in their hands. Who could flatter himself that these men, suddenly, and, as it were, by enchantment, snatched from the humblest rank of subordination, would not be intoxicated with their unprepared greatness ? Who could conceive, that men who are habitually meddling, daring, subtle, active, of litigious dispositions and unquiet minds, would easily fall back into their old condition of obscure contention, and laborious, low, unprofitable chicane ? Who could doubt but that, at any expence to the state, of which they understood nothing, they must pursue their private interests, which they understood but too well ? It was not an event depending on chance or contingency. It was inevitable ; it was necessary ; it was planted in the nature of things. They must *join* (if their capacity did not permit them to *lead*) in
any

Mr. Burke.

any project which could procure to them a *litigious constitution*; which could lay open to them those innumerable lucrative jobs which follow in the train of all great convulsions and revolutions in the state, and particularly in all great and violent permutations of property. Was it to be expected that they would attend to the stability of property, whose existence had always depended upon whatever rendered property questionable, ambiguous, and insecure? Their objects would be enlarged with their elevation, but their disposition and habits, and mode of accomplishing their designs, must remain the same.

Well ! but these men were to be tempered and restrained by other descriptions, of more sober minds, and more enlarged understandings. Were they then to be awed by the super-eminent authority and awful dignity of an handful of country clowns, who have seats in that assembly, some of whom are said not to be able to read and write? and by not a greater number of traders, who, though somewhat more instructed, and more conspicuous in the order of society, had never known any thing beyond their counting-house? No ! both these descriptions were more formed to be overborne and swayed by the intrigues and artifices of lawyers, than to become their counterpoise. With such a dangerous disproportion, the whole must needs be governed by them. To the faculty of law was joined a pretty considerable proportion of the faculty of medicine. This faculty had not, any
more

more than that of the law, possessed in France its just estimation. Its professors therefore must have the qualities of men not habituated to sentiments of dignity. But supposing they had ranked as they ought to do, and as with us they do actually, the sides of sick beds are not the academies for forming statesmen and legislators. Then came the dealers in stocks and funds, who must be eager, at any expence, to change their ideal paper wealth for the more solid substance of land. To these were joined men of other descriptions, from whom as little knowledge of or attention to the interests of a great state was to be expected, and as little regard to the stability of any institution; men formed to be instruments, not controuls. Such in general was the composition of the *tiers état* in the national assembly; in which were scarcely to be perceived the slightest traces of what we call the natural landed interest of the country.

Mr. Burke.

We know that the British house of commons, without shutting its doors to any merit in any class, is, by the sure operation of adequate causes, filled with every thing illustrious in rank, in descent, in hereditary and in acquired opulence, in cultivated talents, in military, civil, naval, and politic distinction, that the country can afford. But supposing, what hardly can be supposed as a case, that the house of commons should be composed in the same manner with the *tiers état* in France, would this dominion of chicane be borne with patience, or even conceived without horror? God forbid I should

Mr. Burke. should insinuate any thing derogatory to that profession, which is another priesthood, administering the rites of sacred justice. But whilst I revere men in the functions which belong to them, and would do as much as one man can do, to prevent their exclusion from any, I cannot, to flatter them, give the lie to nature. They are good and useful in the composition ; they must be mischievous if they preponderate so as virtually to become the whole. Their very excellence in their peculiar functions may be far from a qualification for others. It cannot escape observation, that when men are too much confined to professional and faculty habits, and, as it were, inveterate in the recurrent employment of that narrow circle, they are rather disabled than qualified for whatever depends on the knowledge of mankind, on experience in mixed affairs, on a comprehensive connected view of the various complicated external and internal interests which go to the formation of that multifarious thing called a state.

After all, if the house of commons were to have an wholly professional and faculty composition, what is the power of the house of commons, circumscribed and shut in by the immoveable barriers of laws, usages, positive rules of doctrine and practice, counterpoized by the house of lords, and every moment of its existence at the discretion of the crown to continue, prorogue, or dissolve us? The power of the house of commons, direct or indirect, is indeed great ; and long may it be able to preserve

rve its greatness, and the spirit belonging to
 greatness, at the full; and it will do so, as Mr. Burke.
 as it can keep the breakers of law in India
 becoming the makers of law for England.
 power, however, of the house of commons,
 least diminished, is as a drop of water in the
 sea, compared to that residing in a settled ma-
 jority of your national assembly. That assembly,
 the destruction of the orders, has no funda-
 mental law, no strict convention, no respected
 power to restrain it. Instead of finding themselves
 bound to conform to a fixed constitution, they
 possess a power to make a constitution which shall
 conform to their designs. Nothing in heaven or
 earth can serve as a controul on them.
 It ought to be the heads, the hearts, the dis-
 cretions, that are qualified, or that dare, not only
 make laws under a fixed constitution, but at
 heat to strike out a totally new constitution
 great kingdom, and in every part of it, from
 monarch on the throne to the vestry of a
 parish? But—“*fools rush in where angels fear to
 tread.*” In such a state of unbounded power,
 undefined and undefinable purposes, the evil
 moral and almost physical inaptitude of the
 people to the function must be the greatest we can
 conceive to happen in the management of human
 affairs.

Having considered the composition of the third
 estate as it stood in its original frame, I took a
 view of the representatives of the clergy. There

U

too

Mr. Burke. too it appeared, that full as little regard was had to the general security of property, or to the aptitude of the deputies for their public purposes, in the principles of their election. That election was so contrived as to send a very large proportion of mere country curates, to the great and arduous work of new modelling a state; men who never had seen the state so much as in a picture; men who knew nothing of the world beyond the bounds of an obscure village; who, immersed in hopeless poverty, could regard all property whether secular or ecclesiastical, with no other eye than that of envy; among whom must be many, who, for the smallest hope of the meanest dividend in plunder, would readily join in any attempts upon a body of wealth, in which they could hardly look to have any share, except in a general scramble. Instead of balancing the power of the active chicaners in the other assembly, these curates must necessarily become the active coadjutors, or at best the passive instruments of those by whom they had been habitually guided in their petty village concerns. They too could hardly be the most conscientious of their kind, who, presuming upon their incompetent understanding, could intrigue for a trust which led them from their natural relation to their flocks, and their natural spheres of action, to undertake the regeneration of kingdoms. This preponderating weight being added to the force of the body of chicane in the tiers état, completed

pleted that momentum of ignorance, rashness, ^{Mr. Burke.} presumption, and lust of plunder, which nothing has been able to resist.

To observing men it must have appeared from the beginning, that the majority of the third estate, in conjunction with such a deputation from the clergy as I have described, whilst it pursued the destruction of the nobility, would inevitably become subservient to the worst designs of individuals in that class. In the spoil and humiliation of their own order, these individuals would possess a sure fund for the pay of their new followers. To squander away the objects which made the happiness of their fellows, would be to them no sacrifice at all. Turbulent, discontented men of quality, in proportion as they are puffed up with personal pride and arrogance, generally despise their own order. One of the first symptoms they discover of a selfish and mischievous ambition, is a profligate disregard of a dignity which they partake with others. To be attached to the subdivision, to love the little platoon we belong to in society, is the first principle (the germ as it were) of public affections. It is the first link in the series by which we proceed towards a love to our country and to mankind. The interests of that portion of social arrangement is a trust in the hands of all those who compose it; and as none but bad men would justify it in abuse, none but

Mr. Burke. traitors would barter it away for their own personal advantage.

There were, in the time of our civil troubles in England (I do not know whether you have any such in your assembly in France) several persons, like the then earl of Holland, who by themselves, or their families had brought an odium on the throne, by the prodigal dispensation of its bounties towards them, who afterwards joined in the rebellions arising from the discontents of which they were themselves the cause; men who helped to subvert that throne to which they owed, some of them, their existence, others all that power which they employed to ruin their benefactor. If any bounds are set to the rapacious demands of that sort of people, or that others are permitted to partake in the objects they would engross, revenge and envy soon fill up the craving void that is left in their avarice. Confounded by the complication of distempered passions, their reason is disturbed, their views become vast and perplexed; to others inexplicable; to themselves uncertain. They find, on all sides, bounds to their unprincipled ambition in any fixed order of things. But in the fog and haze of confusion all is enlarged, and appears without any limit.

When men of rank sacrifice all ideas of dignity to an ambition without a distinct object, and work with low instruments and for low ends,
the

Mr. Burke. usurping power, as asserting their natural place in society. Their rising was to illuminate and beautify the world. Their conquest over their competitors was by outshining them. The hand that, like a destroying angel, smote the country, communicated to it the force and energy under which it suffered. I do not say (God forbid), I do not say, that the virtues of such men were to be taken as a balance to their crimes; but they were some corrective to their effects. Such was, as I said, our Cromwell. Such were your whole race of Guises, Condés and Colignis. Such the Richlieus, who in more quiet times acted in the spirit of a civil war. Such, as better men, and in a less dubious cause, were your Henry the IVth and your Sully, though nursed in civil confusions, and not wholly without some of their taint. It is a thing to be wondered at, to see how very soon France, when she had a moment to respire, recovered and emerged from the longest and most dreadful civil war that ever was known in any nation. Why? Because, among all their massacres, they had not slain the *mind* in their country. A conscious dignity, a noble pride, a generous sense of glory and emulation, was not extinguished. On the contrary, it was kindled and inflamed. The organs also of the state, however shattered, existed. All the prizes of honour and virtue, all the rewards, all the distinctions, remained. But your present confusion, like a palsy, has attacked the fountain
of

of life itself. Every person in your country, in a situation to be actuated by a principle of honour, Mr. Burd
 is disgraced and degraded, and can entertain no sensation of life, except in a mortified and humiliated indignation. But this generation will quickly pass away. The next generation of the nobility will resemble the artificers and clowns, and money-jobbers, usurers, and Jews, who will be always their fellows, sometimes their masters. Believe me, Sir, those who attempt to level, never equalize. In all societies, consisting of various descriptions of citizens, some description must be uppermost. The levellers therefore only change and pervert the natural order of things; they load the edifice of society, by setting up in the air what the solidity of the structure requires to be on the ground. The associations of taylor and carpenters, of which the republic (of Paris for instance) is composed, cannot be equal to the situation, into which, by the worst of usurpations, an usurpation on the prerogatives of nature, you attempt to force them.

The chancellor of France at the opening of the states, said, in a tone of oratorical flourish, that all occupations were honourable. If he meant only, that no honest employment was disgraceful, he would not have gone beyond the truth. But in asserting that any thing is honourable, we imply some distinction in its favour. The occupation of an hair-dresser, or of a working tallow-chandler, cannot be a matter of honour to any

Mr. Burke. person—to say nothing of a number of other more servile employments. Such descriptions of men ought not to suffer oppression from the state; but the state suffers oppression, if such as they, either individually or collectively, are permitted to rule. In this you think you are combating prejudice, but you are at war with nature*.

I do not, my dear Sir, conceive you to be of that sophistical captious spirit, or of that uncandid dulness, as to require, for every general observation or sentiment, an explicit detail of the correctives and exceptions, which reason will presume to be included in all the general propositions which come from reasonable men. You do not imagine, that I wish to confine power, authority,

* Ecclesiasticus, chap. xxxviii. verse 24, 25. “The wisdom of a learned man cometh by opportunity of leisure: and he that hath little business shall become wise.”—“How can he get wisdom that holdeth the plough, and that glorieth in the goad; that driveth oxen; and is occupied in their labours; and whose talk is of bullocks?”

Ver. 27. “So every carpenter and work-master that labour-eth night and day.” &c.

Ver. 33. “They shall not be sought for in public counsel, nor sit high in the congregation: they shall not sit on the judges seat, nor understand the sentence of judgment: they cannot declare justice and judgment, and they shall not be found where parables are spoken.”

Ver. 34. “But they will maintain the state of the world.”

I do not determine whether this book be canonical, as the Gallican church (till lately) has considered it, or apocryphal, as here it is taken. I am sure it contains a great deal of sense and truth.

and

and distinction to blood, and names, and titles. Mr. Burke.

No, Sir. There is no qualification for government, but virtue and wisdom, actual or presumptive. Wherever they are actually found, they have, in whatever state, condition, profession or trade, the passport of Heaven to human place and honour. Woe to the country which would madly and impiously reject the service of the talents and virtues, civil, military, or religious, that are given to grace and to serve it; and would condemn to obscurity every thing formed to diffuse lustre and glory around a state. Woe to that country too, that passing into the opposite extreme, considers a low education, a mean contracted view of things, a sordid mercenary occupation, as a preferable title to command, Every thing ought to be open; but not indifferently to every man. No rotation; no appointment by lot; no mode of election operating in the spirit of sortition or rotation, can be generally good in a government conversant in extensive objects. Because they have no tendency, direct or indirect, to select the man with a view to the duty, or to accommodate the one to the other. I do not hesitate to say, that the road to eminence and power, from obscure condition, ought not to be made too easy, nor a thing too much of course. If rare merit be the rarest of all rare things, it ought to pass through some sort of probation. The temple of honour ought to be seated on an eminence. If it be open through virtue, let it be remem-

Mr. Burke. remembered too, that virtue is never tried but by
 some difficulty, and some struggle.

Nothing is a due and adequate representation of a state, that does not represent its ability, as well as its property. But as ability is a vigorous and active principle, and as property is sluggish, inert, and timid, it never can be safe from the invasions of ability, unless it be, out of all proportion, predominant in the representation. It must be represented too in great masses of accumulation, or it is not rightly protected. The characteristic essence of property, formed out of the combined principles of its acquisition and conservation, is to be *unequal*. The great masses therefore which excite envy and tempt rapacity, must be put out of the possibility of danger. Then they form a natural rampart about the lesser properties in all their gradations. The same quantity of property, which is by the natural course of things divided among many, has not the same operation. Its defensive power is weakened as it is diffused. In this diffusion each man's portion is less than what, in the eagerness of his desires, he may flatter himself to obtain by dissipating the accumulations of others. The plunder of the few would indeed give but a share inconceivably small in the distribution to the many. But the many are not capable of making this calculation; and those who lead them to rapine, never intend this distribution.

The power of perpetuating our property in our
 families

milies is one of the most valuable and interesting
 circumstances belonging to it, and that which tends
 e most to the perpetuation of society itself. It
 akes our weakness subservient to our virtue; it
 rafts benevolence even upon avarice. The pos-
 sors of family wealth, and of the distinction which
 tends hereditary possession (as most concerned in
) are the natural securities for this transmission.
 With us, the house of peers is formed upon this
 inciple. It is wholly composed of hereditary
 operty and hereditary distinction; and made
 erefore the third of the legislature; and in the
 st event, the sole judge of all property in all
 subdivisions. The house of commons too,
 ough not necessarily, yet in fact, is always so
 mposed in the far greater part. Let those
 rge proprietors be what they will, and they
 ve their chance of being amongst the best,
 ey are, at the very worst, the ballast in the vessel
 the commonwealth. For though hereditary
 alth, and the rank which goes with it, are
 o much idolized by creeping sycophants, and
 e blind abject admirers of power, they are too
 shly slighted in shallow speculations of the pe-
 lant, assuming, short-sighted coxcombs of phi-
 sophy. Some decent regulated pre-eminence,
 me preference (not exclusive appropriation)
 ven to birth, is neither unnatural, nor unjust,
 r impolitic.

Mr. Burke.

It is said, that twenty-four millions ought to
 evail over two hundred thousand. True;

Mr. Burke. if the constitution of a kingdom be a problem of arithmetic. This sort of discourse does well enough with the lamp-post for its second: to men who *may* reason calmly it is ridiculous. The will of the many, and their interest, must very often differ; and great will be the difference when they make an evil choice. A government of five hundred country attornies and obscure curates is not good for twenty-four millions of men, though it were chosen by eight and forty millions; nor is it the better for being guided by a dozen of persons of quality, who have betrayed their trust in order to obtain that power. At present, you seem in every thing to have strayed out of the high road of nature. The property of France does not govern it. Of course property is destroyed, and rational liberty has no existence. All you have got for the present is a paper circulation, and a stock-jobbing constitution: and as to the future, do you seriously think that the territory of France, upon the republican system of eighty-three independent municipalities (to say nothing of the parts that compose them) can ever be governed as one body, or can ever be set in motion by the impulse of one mind? When the national assembly has completed its work, it will have accomplished its ruin. These commonwealths will not long bear a state of subjection to the republic of Paris. They will not bear that this one body should monopolize the captivity of the king, and the dominion over the
assembly

sembly calling itself national. Each will keep Mr. Burke.
 its own portion of the spoil of the church to
 itself; and it will not suffer either that spoil, or
 the more just fruits of their industry, or the na-
 tural produce of their soil, to be sent to swell
 the insolence, or pamper the luxury of the me-
 chanics of Paris. In this they will see none of
 the equality, under the pretence of which they
 have been tempted to throw off their allegiance
 to their sovereign, as well as the ancient con-
 stitution of their country. There can be no
 capital city in such a constitution as they have
 lately made. They have forgot, that, when they
 named democratic governments, they had vir-
 tually dismembered their country. The person
 whom they persevere in calling king, has not
 power left to him by the hundredth part sufficient
 to hold together this collection of republics. The
 republic of Paris will endeavour indeed to com-
 plete the debauchery of the army, and illegally
 to perpetuate the assembly, without resort to its
 constituents, as the means of continuing its des-
 potism. It will make efforts, by becoming the
 heart of a boundless paper circulation, to draw
 every thing to itself; but in vain. All this po-
 licy in the end will appear as feeble as it is now
 violent.

I can never consider the national assembly as
 any thing else than a voluntary association of men,
 who have availed themselves of circumstances
 to seize upon the power of the state.—They have

not

Mr. Burke. not the sanction and authority of the character under which they first met.—They have assumed another of a very different nature; and have completely altered and inverted all the relations in which they originally stood. They do not hold the authority they exercise under any constitutional law of the state. They have departed from the instructions of the people by whom they were sent; which instructions, as the assembly did not act in virtue of any ancient usage or settled law, were the sole source of their authority. The most considerable of their acts have not been done by great majorities; and in this sort of near divisions, which carry only the constructive authority of the whole, strangers will consider reasons as well as resolutions.

If they had set up this new experimental government as a necessary substitute for an expelled tyranny, mankind would anticipate the time of prescription, which, through long usage, mellows into legality governments that were violent in their commencement. All those who have affections which lead them to the conservation of civil order would recognize, even in its cradle, the child as legitimate, which has been produced from those principles of cogent expediency to which all just governments owe their birth, and on which they justify their continuance. But they will be late and reluctant in giving any sort of countenance to the operations of a power, which has derived its birth from no law and no necessity; but which on
the

contrary has had its origin in those vices and Mr. Burke.
 her practices by which the social union is often
 urbed and sometimes destroyed. This assembly
 hardly a year's prescription. We have their
 word for it that they have made a revolution.
 make a revolution is a measure which, *prima*
te, requires an apology. To make a revolu-
 is to subvert the ancient state of our coun-
 and no common reasons are called for to jus-
 so violent a proceeding. The sense of man-
 l authorises us to examine into the mode of
 uring new power, and to criticise on the use
 is made of it with less awe and reverence than
 which is usually conceded to a settled and re-
 nized authority.

n obtaining and securing their power, the as-
 bly proceeds upon principles the most opposite
 n those which appear to direct them in the use
 it. An observation on this difference will let
 nto the true spirit of their conduct. Every thing
 ch they have done, or continue to do, in order
 obtain and keep their power, is by the most com-
 n arts. They proceed exactly as their ancestors
 ambition have done before them. Trace them
 ough all their artifices, frauds, and violences, you
 find nothing at all that is new. They follow pre-
 ents and examples with the punctilious exact-
 is of a pleader. They never depart an iota from
 authentic formulas of tyranny and usurpation.
 it in all the regulations relative to the public
 od, the spirit has been the very reverse of this.

There

Mr. Burke.

There they commit the whole to the mercy of untried speculations; they abandon the dearest interests of the public to those loose theories, to which none of them would choose to trust the slightest of his private concerns. They make this difference, because in their desire of obtaining and securing power they are thoroughly in earnest; there they travel in the beaten road. The public interests, because about them they have no real solicitude, they abandon wholly to chance; I say to chance, because their schemes have nothing in experience to prove their tendency beneficial.

We must always see with a pity not unmixed with respect, the errors of those who are timid and doubtful of themselves with regard to points where in the happiness of mankind is concerned. But in these gentlemen there is nothing of the tender parental solicitude which fears to cut up the infant for the sake of an experiment. In the vastness of their promises, and the confidence of their predictions, they far outdo all the boasting of empirics. The arrogance of their pretensions in a manner provokes and challenges us to an enquiry into their foundation.

I am convinced that there are men of considerable parts among the popular leaders in the national assembly. Some of them display eloquence in their speeches and their writings. This cannot be without powerful and cultivated talents. But eloquence may exist without a proportionable degree of wisdom. When I speak of ability, I am obliged

to distinguish. What they have done towards the support of their system bespeaks no ordinary men. In the system itself, taken as the scheme of a republic constructed for procuring the prosperity and security of the citizen, and for promoting the strength and grandeur of the state, I confess myself unable to find out any thing which displays, in a single instance, the work of a comprehensive and disposing mind, or even the provisions of a vulgar prudence. Their purpose every where seems to have been to evade and slip aside from *difficulty*. This it has been the glory of the great masters in all the arts to confront, and to overcome; and when they had overcome the first difficulty, to turn it into an instrument for new conquests over new difficulties; thus to enable them to extend the empire of their science, and even to push forward beyond the reach of their original thoughts, the landmarks of the human understanding itself. Difficulty is a severe instructor, set over us by the supreme ordinance of a parental guardian and legislator, who knows us better than we know ourselves, as he loves us better too. *Pater ipse colendi baud facilem esse viam voluit.* He that wrestles with us strengthens our nerves, and sharpens our skill. Our antagonist is our helper. This amicable conflict with difficulty obliges us to an intimate acquaintance with our object, and compels us to consider it in all its relations. It will not suffer us to be superficial. It is the want of nerves of understanding for such a task; it is the degenerate

Mr. Burke.

Mr. Burke. fondness for tricking short-cuts, and little fallacious facilities, that has in so many parts of the world created governments with arbitrary powers. They have created the late arbitrary monarchy of France. They have created the arbitrary republic of Paris. With them defects in wisdom are to be supplied by the plenitude of force. They get nothing by it. Commencing their labours on a principle of sloth, they have the common fortune of slothful men. The difficulties which they rather had eluded than escaped, meet them again in their course; they multiply and thicken on them; they are involved, through a labyrinth of confused detail, in an industry without limit, and without direction; and, in conclusion, the whole of their work becomes feeble, vicious, and insecure.

It is this inability to wrestle with difficulty which has obliged the arbitrary assembly of France to commence their schemes of reform with abolition and total destruction*. But is it in destroying and pulling

* A leading member of the assembly, M. Rabaud de St. Etienne, has expressed the principle of all their proceedings as clearly as possible. Nothing can be more simple:—“*Tous les établissemens en France couronnent le malheur du peuple : pour le rendre heureux il faut le renouveler ; changer ses idées ; changer ses lois ; changer ses mœurs ; changer les hommes ; changer les choses ; changer les mots tout détruire ; oui, tout détruire ; puisque tout est à recréer.*” This gentleman was chosen president in an assembly not sitting at the *Quinze vingt*, or the *Petites Maisons*; and composed of persons giving themselves out to be rational beings; but neither his ideas, language, or conduct, differ in the

pulling down that skill is displayed? Your mob can do this as well at least as your assemblies. Mr. Burke.
 The shallowest understanding, the rudest hand, is more than equal to that task. Rage and phrenzy will pull down more in half an hour, than prudence, deliberation, and foresight can build up in an hundred years. The errors and defects of old establishments are visible and palpable. It calls for little ability to point them out; and where absolute power is given, it requires but a word wholly to abolish the vice and the establishment together. The same lazy but restless disposition, which loves sloth and hates quiet, directs these politicians, when they come to work, for supplying the place of what they have destroyed. To make every thing the reverse of what they have seen is quite as easy as to destroy. No difficulties occur in what has never been tried. Criticism is almost baffled in discovering the defects of what has not existed; and eager enthusiasm, and cheating hope, have all the wide field of imagination in which they may expatiate with little or no opposition.

At once to preserve and to reform is quite another thing. When the useful parts of an old establishment are kept, and what is superadded is to be fitted to what is retained, a vigorous mind, steady persevering attention, various powers of compari-

smallest degree from the discourses, opinions, and actions of those within and without the assembly, who direct the operations of the machine now at work in France.

Mr. Burke.

son and combination, and the resources of an understanding fruitful in expedients are to be exercised; they are to be exercised in a continued conflict with the combined force of opposite vices; with the obstinacy that rejects all improvement, and the levity that is fatigued and disgusted with every thing of which it is in possession. But you may object—"A process of this kind is slow. It is not fit for an assembly, which glories in performing in a few months the work of ages. Such a mode of reforming possibly might take up many years." Without question it might; and it ought. It is one of the excellencies of a method in which time is amongst the assistants, that its operation is slow, and in some cases almost imperceptible. If circumspection and caution are a part of wisdom, when we work only upon inanimate matter, surely they become a part of duty too, when the subject of our demolition and construction is not brick and timber, but sentient beings, by the sudden alteration of whose state, condition, and habits, multitudes may be rendered miserable. But it seems as if it were the prevalent opinion in Paris, that an unfeeling heart, and an undoubting confidence, are the sole qualifications for a perfect legislator. Far different are my ideas of that high office. The true lawgiver ought to have an heart full of sensibility. He ought to love and respect his kind, and to fear himself. It may be allowed to his temperament to catch his ultimate object with an intuitive glance; but his movements towards

wards it ought to be deliberate. Political arrangement; as it is a work for social ends, is to be only wrought by social means. There mind must conspire with mind. Time is required to produce that union of minds which alone can produce all the good we aim at. Our patience will achieve more than our force. If I might venture to appeal to what is so much out of fashion in Paris, I mean to experience, I should tell you, that in my course I have known, and, according to my measure, have co-operated with great men; and I have never yet seen any plan which has not been mended by the observations of those who were much inferior in understanding to the person who took the lead in the business. By a slow but well-sustained progress, the effect of each step is watched; the good or ill success of the first, gives light to us in the second; and so, from light to light, we are conducted with safety through the whole series. We see, that the parts of the system do not clash. The evils latent in the most promising contrivances are provided for as they arise. One advantage is as little as possible sacrificed to another. We compensate, we reconcile, we balance. We are enabled to unite into a consistent whole the various anomalies and contending principles that are found in the minds and affairs of men. From hence arises, not an excellence in simplicity, but one far superior, an excellence in composition. Where the great interests of mankind are concerned through a long succession of generations, that succession

Mr. Burke.

Mr. Burke. ought to be admitted into some share in the councils which are so deeply to affect them. If justice requires this, the work itself requires the aid of more minds than one age can furnish. It is from this view of things that the best legislators have been often satisfied with the establishment of some sure, solid, and ruling principle in government; a power like that which some of the philosophers have called a plastic nature; and having fixed the principle, they have left it afterwards to its own operation.

To proceed in this manner, that is, to proceed with a presiding principle, and a prolific energy, is with me the criterion of profound wisdom. What your politicians think the marks of a bold, hardy genius, are only proofs of a deplorable want of ability. By their violent haste, and their defiance of the process of nature, they are delivered over blindly to every projector and adventurer, to every alchymist and empiric. They despair of turning to account any thing that is common. Diet is nothing in their system of remedy. The worst of it is, that this their despair of curing common distempers by regular methods, arises not only from defect of comprehension, but, I fear, from some malignity of disposition. Your legislators seem to have taken their opinions of all professions, ranks, and offices, from the declamations and buffooneries of satyrists; who would themselves be astonished if they were held to the letter of their own descriptions. By listening only to these, your leaders re-
gard

gard all things only on the side of their vices and faults, and view those vices and faults under every colour of exaggeration. It is undoubtedly true, though it may seem paradoxical; but in general, those who are habitually employed in finding and displaying faults, are unqualified for the work of reformation: because their minds are not only unfurnished with patterns of the fair and good, but by habit they come to take no delight in the contemplation of those things. By hating vices too much, they come to love men too little. It is therefore not wonderful, that they should be indisposed and unable to serve them. From hence arises the complexional disposition of some of your guides to pull every thing in pieces. At this malicious game they display the whole of their *quadrumanous* activity. As to the rest, the paradoxes of eloquent writers, brought forth purely as a sport of fancy, to try their talents, to rouse attention, and excite surprise, are taken up by these gentlemen, not in the spirit of the original authors, as means of cultivating their taste and improving their style. These paradoxes become with them serious grounds of action, upon which they proceed in regulating the most important concerns of the state. Cicero ludicrously describes Cato as endeavouring to act in the commonwealth upon the school paradoxes which exercised the wits of the junior students in the stoic philosophy. If this was true of Cato, these gentlemen copy after him in the manner of some persons who lived about his time—*pede nudo Catonem*. Mr.

Mr. Burke.

Mr. Burke.

Hume told me, that he had from Rousseau himself the secret of his principles of composition. That acute, though eccentric, observer had perceived, that to strike and interest the public, the marvellous must be produced; that the marvellous of the heathen mythology had long since lost its effect; that giants, magicians, fairies, and heroes of romance which succeeded, had exhausted the portion of credulity which belonged to their age; that now nothing was left to a writer but that species of the marvellous, which might still be produced, and with as great an effect as ever, though in another way; that is, the marvellous in life, in manners, in characters, and in extraordinary situations, giving rise to new and unlooked-for strokes in politics and morals. I believe, that were Rousseau alive, and in one of his lucid intervals, he would be shocked at the practical phrenzy of his scholars, who in their paradoxes are servile imitators; and even in their incredulity discover an implicit faith.

The national assembly acts the farce of deliberation with as little decency as liberty.—They act like the comedians of a fair before a riotous audience;—they act amidst the tumultuous cries of a mixed mob of ferocious men, and of women lost to shame, who, according to their insolent fancies, direct, controul, applaud, explode them; and sometimes mix and take their seats amongst them; domineering over them with a strange mixture of servile petulance and proud presumptuous authority. As they have inverted order in
all

ings, the gallery is in place of the house.— Mr. Burke.
 assembly, which overthrows kings and king-
 s, has not even the physiognomy and aspect of
 ve legislative body—*nec color imperii, nec frons*
ulla senatus.—They have a power given to
 1, like that of the evil principle, to subvert
 destroy ; but none to construct, except such
 hines as may be fitted for further subversion
 further destruction.

Mr.

*MR. MACKINTOSH.*Vindiciae
Gallicae.

EVENTS are rarely separated by the historian from the character of those who are conspicuous in conducting them. From it alone they often receive the tinge which determines their moral colour.—What is admired as noble pride in SULLY, would be execrated as intolerable arrogance in RICHLIEU. But the degree of this influence varies with the importance of the events.—In the ordinary affairs of state it is great, because in fact they are only of importance to posterity, as they illustrate the characters of those who have acted distinguished parts on the theatre of the world. But in events, which themselves are of immense magnitude, the character of those who conduct them becomes of far less relative importance. No ignominy is at the present day reflected on the Revolution of 1688 from the ingratitude of Churchill, or the treachery of Sunderland. The purity of Somers, and the profligacy of Spencer are equally lost in the splendour of that great transaction, in the sense of its benefits, and the admiration of its justice. No moral impression remains on our mind, but that whatever voice speaks truth, whatever hand establishes freedom, delivers the oracles and dispenses the gifts of God.

If this be true of the deposition of James II. it is far more so of the French revolution. Among
many

y circumstances which distinguished that event, ^{Mr. Mack-}
 exemplified in history, it was none of the least ^{intosh.}
 ordinary, that it might truly be said to have
 a revolution *without leaders*. It was the
 t of general causes operating on the people.
 is the revolt of a nation enlightened from a
 mon source. Hence it has derived its pecu-
 character, and hence the merits of the most
 picious individuals have had little influence
 ts progress.—The character of the national
 nably is of secondary importance indeed. But
 Mr. Burke has expended so much invective
 nst that body, a few strictures on his account
 will not be improper.

The representation of the third estate was, as
 ously states, composed of lawyers, physicians,
 chants, men of letters, tradesmen and farmers.
 choice was indeed limited by necessity, for
 pt men of these ranks and professions, the
 le had no objects of election, the army and the
 ch being engrossed by the nobility. — “ No
 ige of the landed interest of the country ap-
 ed in this representation.” — For an obvious
 on.—Because the *nobility* of France, like the
 ry of England, formed almost exclusively the
 ed interest of the kingdom.—These professions
 could only furnish representatives for the *tiers*
 .—They form the majority of that middle rank
 ng whom almost all the sense and virtue of so-
 y reside. Their pretended incapacity for poli-
 l affairs is an arrogant fiction of statesmen, which
 the

Mr. Mack-
into sh.

the history of revolutions has ever belied. These emergencies have never failed to create politicians. The subtle counsellors of Philip II. were baffled by the burgomasters of Amsterdam and Leyden. The oppression of England summoned into existence a race of statesmen in her colonies. The lawyers of Boston, and the planters of Virginia, were transformed into ministers and negociators, who proved themselves inferior neither in wisdom as legislators, nor in dexterity as politicians. These facts evince that the powers of mankind have been unjustly depreciated, the difficulty of political affairs artfully magnified, and that there exists a quantity of talent *latent* among men, which ever rises to the level of the great occasions that call it forth.

But the predominance of the profession of the law, that profession which teaches men "to augur misgovernment at a distance, and snuff the approach of tyranny in every tainted breeze*," was the fatal source from which, if we may believe Mr. Burke, have arisen the calamities of France. The majority of the third estate was indeed composed of lawyers. Their talents of public speaking, and their professional habit of examining questions analogous to those of politics, rendered them the most probable objects of popular choice, especially in a *despotic* country, where political speculation was no natural amusement for the leisure of opulence. But

* Mr. Burke's speech on American affairs, 1775.

does not appear that the majority of them consisted of the unlearned, mechanical members of the session *. From the list of the states-general, it would seem that the majority were *provincial seates*, a name of very different import from *city attorneys*, and whose importance is not to be estimated by purely *English* ideas.

Mr. Mackintosh.

If *forensic* talent and eminence is *here* concentrated in the capital. But in France, the institution of *suits* did not exist. The provinces were imperfectly united, their laws various, their judicatures distinct, and almost independent. Twelve or thirteen parliaments formed as many circles of advocates, who nearly emulated in learning and consequence the Parisian bar. This dispersion of talent was in some respect also the necessary effect of the immensity of the kingdom. No liberal will in England bestow on the Irish and Scottish bar the epithet *provincial* with a view of degradation. The parliaments of many provinces in France presented as wide a field for talent as the supreme courts of Ireland and Scotland. The parliament of Rennes, for example, dispensed justice to a province which contained two million five hundred thousand inhabitants †; a population equal to that of some respectable kingdoms in Europe. The cities of Bourdeaux, Lyons, and

* See an accurate list of them in the Supplement to the *Journal de Paris*, 31st of May, 1789.

† See a report on the population of France to the national assembly, by M. Brion de la Tour, engineer and geographer to the king, 1790.

Marseilles,

Mr. Mack-
intosh.

Marfeilles, furpafs in wealth and population Copenhagen, Stockholm, Peterfburg, and Berlin. Such were the theatres on which the provincial advocates of France purfued professional fame. A general convention of the Britifh empire would yield perhaps as diftinguifhed a place to Curran and Erfkine, and the other eminent and accomplished barrifters of Dublin and Edinburgh, as to thofe of the capital. And on the fame principles have the *Thourets* and *Chapeliers* of *Rouen*, and *Remes*, acquired as great an afcendant in the national afsembly as the *Targets* and *Camufes* of the Parifian bar.

The proof that this “*faculty*” influence, as Mr. Burke choofes to phrafe it, was not injuriously predominant, is to be found in the decrees of the afsembly refpecting the judicial order. It muft on his fystem have been their object to have eftablifhed what he calls “a litigious conftitution.” The contrary has fo notoriously been the cafe, all their decrees have fo obviously tended to leffen the importance of lawyers, by facilitating arbitrations, by the adoption of juries, by diminifhing the expence and tediousnefs of fuits, by the deftruction of an intricate and barbarous jurisprudence, and by the fimplicity introduced into all judicial proceedings, that their fystem has been accused of a direct tendency to extinguifh the profefion of the law—a fystem which may be condemned as leading to vifionary excefs, but which cannot be pretended

to bear very strong marks of the supposed
 nt of "*chicane*."

Mr. Mack.
 intoth.

he lawyers, besides the parochial clergy,
 Mr. Burke contemptuously styles "*country*
 ," were added those noblemen whom he so
 stigmatizes as deserters from their order.
 deputation of the nobility who first joined
 nmons, and to whom therefore that title
 ongs, was not composed of men whom des-
 fortunes and profligate ambition prepare for
 nsfusion. In that number were found the
 f the most ancient and opulent families in
 , the Rochefoucaults, the Richlieus, the
 orencies, the Noailles.—Among them was
 lly, who has received such liberal praise
 fr. Burke, and it will be difficult to dis-
 n one individual of that body, any interest
 to the preservation of order, and the se-
 of rank and wealth.

is hardly necessary to remark that *curé* means *rector*.

Dr.

DR. PRIESTLEY.

Letters to
Mr. Burke.

YOU consider the present national assembly of France as usurpers, assuming a power that does not belong them. "I can never," you say, "consider this assembly as any thing else than a voluntary association of men, who have availed themselves of circumstances to seize upon the power of the state. They have not the sanction and authority of the character under which they first met. They have assumed another, of a very different nature, and have completely altered and inverted all the relations in which they originally stood. They do not hold the authority they exercise under any constitutional law of the state. They have departed from the instructions of the people by whom they were sent, which instructions, as the assembly did not act in virtue of any ancient usage, or settled law, were the sole source of their authority."

Now, even allowing this to be true; admitting this national assembly to have had no regular summons to meet, or to do any business at all; supposing them to have been men who rose out of the earth, or who dropped down from the clouds, or that nobody could tell whence they came, and that, without any authority whatever, they took upon themselves to frame a new constitution of government for the French nation; if the nation
really

ally approve of it, acquiesce in it, and actually ^{Dr Priest-} adopt it, it becomes from that time their own act, ^{ley.} and the assembly can only be considered as the proposers and advisers. It is the acquiescence of the people that gives any form of government its proper sanction, and that legalizes it. Changes of government cannot be brought about by established forms and rules, because there is no superior power to prescribe those rules. There are no supreme courts comprehending these great objects. Also, the cases occur so rarely, and they are so unlike to one another, that it would be to no purpose to look for precedents.

Now, that the French revolution is justifiable on this plain principle, is evident from the single circumstance of the national assembly having continued their sittings without molestation, and from their decrees having been actually obeyed, for something more than a year at least. This assembly does not consist, I believe, of more than about one thousand persons, and at first they had no army at their command ; whereas at present the whole force of the state is in their hands. This force could not have been transferred from the king to them, without the consent both of the army, and of the nation which supports that army. As the nation does not complain of this translation of power, it is evident they do not think themselves aggrieved, and that the change has been made with their approbation. Here, then, we see all the marks of a *legal govern-*

Y

ment,

Dr. Priest-
ley. } *ment, or a government that is really the choice of the people.*

It is very possible that the national assembly, having entered upon the business of reforming the whole state in an unexpected manner, when little could have been preconceived, may have acted injudiciously in more respects than one; but allowance should be made for their peculiar circumstances. The opportunity that was given them to act was such as they might in vain have waited for, if they had done nothing till they had been prepared to make the most of it. They did right, therefore, to do the best they could, as the occasion offered.

They might, for example, have divided themselves into two houses, and, as in this country, have given each house a negative in all their transactions, and another to the king. But this might have appeared too hazardous at that time; and indeed it is very probable that, upon that plan, nothing effectual could have been done at all. But they may adopt this method if they should hereafter see reason for it. Power is more easily given than taken away.

That they have nothing of the nature of a senate, as you complain, I do not see; while they still retain a king, and allow him to appoint certain ministers of state.

They may have left too little power in the hands of the crown; but kingly power is a plant which, having once taken root, is very apt to grow too luxuriant;

luxuriant; and *this*, though lopped, may sprout again. As the French kings had gradually acquired, and grossly abused, their power, it is not to be wondered at, if, in the first instance, the assembly should have reduced it too low.

Dr. Priest-
ley.

You particularly complain of the king not having the power of peace and war. But was ever any power more grossly abused than this has been? Infinite have been the evils brought upon whole countries, by princes having it in their power to involve them in war at their pleasure, from motives of personal resentment and ambition, or the mere caprice of those about them; and in France generally that of their mistresses.

"There is no other way," you say, "of keeping other potentates from intriguing distinctly and personally with the members of your assembly, from intermeddling in all your concerns, and fomenting in the heart of your country the most pernicious of all factions; factions in the interest, and under the direction, of foreign powers." But even *this* is nothing, compared with the evils that states have suffered from the power of peace and war being in the hands of the prince, that is, of his ministers; and cannot foreign powers intrigue with *them* as well as with the leaders of a popular assembly? Did not the court of France intrigue with the ministry of our Charles II. and is it not always done more or less, by all ambassadors and their agents in all foreign courts? But if any people was fairly represented in a national assembly,

Dr. Priest-
ley.

bly, so that their real interests should be better consulted, causes of war would seldom occur, and consequently there would be but little temptation to foreigners to intermeddle in their concerns. For it has been peace or war that has been the chief subject of the intrigues that you complain of.

The most serious difficulty that appears to me to threaten the French government, arises from their *debts*, a difficulty brought upon them by their former government, and which, indeed, made it impossible to go on any farther with it. This, therefore, is a difficulty that does not necessarily attend the formation of the new government, but has been occasioned by the unwillingness of the present governors, that those who have had confidence in the state, should suffer from the errors of their predecessors. It is the case of an heir, who will put himself to great inconvenience to pay the debts of a profligate ancestor.

You cavil, among other things, at the low rank of the members of the national assembly ; saying, " That the majority are of the inferior, unlearned, " mechanical, merely instrumental, members of " the profession of the law. From the moment," you say, " I read the list, I saw distinctly, and " very nearly as it has happened, all that was to " follow. It was not to be expected," you say, " that they would attend to the stability of pro- " perty, whose existence had always depended " upon whatever rendered property questionable, " ambiguous, and obscure."

I shall .

I shall not call in question your gift of prophecy. Dr. Priest-
 It may be your peculiar talent to see all events, past, ley.
 present, and to come, in their most concealed causes;
 nor shall I question what you assert to be a fact.
 But of whomsoever the national assembly of France
 consists, there cannot well be a doubt of their being
 a truer representation of the French nation than our
 house of commons is of ours; because there cannot
 well be a worse, being in the opinion of most people,
 I doubt not, as well as that of Dr. Price, a mere
mockery of representation, notwithstanding the influ-
 ence of those causes, which I acknowledge to give
 it the effect of a much better representation.

It signifies very little out of what class of men the
 members of the national assembly were chosen,
 since they must have been persons in whom their
 constituents thought they could best confide. But
 if your reasoning be good, that lawyers, "whose ex-
 "istence depends upon rendering property ques-
 "tionable, ambiguous, and obscure," will not at-
 tend to the stability of property, where is our po-
 licy in raising such men to the rank of judges? We
 do not think our property less safe in their hands,
 because they have always lived by what has been
 called the *glorious uncertainty of the law*. The first
 American congress, I very well remember, was said
 to consist chiefly of lawyers; nor is it to be won-
 dered at that it should be so; lawyers, who have
 the talent and the habit of speaking in public, be-
 ing generally conspicuous characters in all places.
 The study of the law, moreover, leads them to

Dr. Priest-
ley.

understand the constitution of the country, and their profession gives them a knowledge of mankind, and the habits of business. If the lawyers of France do as well as the lawyers of America, they will soon wipe away the reproach they may now lie under, and become the object of respect, perhaps of dread, to those who at present despise them,

Mr.

MR. G. ROUS.

MR. BÜRKE will not allow, to the national assembly, the common faculties of men ; and, in his zeal to cast out these reprobates to the scorn of mankind, he forgets that the mode of their election was prescribed by his friends the notables. Indiscriminate censure is commonly as little merited as indiscriminate praise. I am not their panegyrist, nor disposed to pronounce on their conduct ; for I see not all its bearings and dependencies ; and the extent, as well as complicated nature of the subject, might baffle the judgment of a much abler head. It cannot, however, escape observation, that the prognostics of their enemies have not yet been verified by any one event. In the midst of chaos, as it were, regenerating every order of the state, they have fitted out, with vigour and dispatch, a strong naval armament ; and although a misapplication of the principles of civil liberty for a time disturbed the discipline of their fleet, yet this discipline, according to the report of an aristocrat in command, has been completely restored, not by the lash of severity, but by a zeal and ardour in the cause of their country.—They have also erected for internal defence a force, from numbers irresistible, in the hands of the subject, which proves at least their confidence in the attachment of the people. Perhaps my earnest wishes may be an ingredient in

Thoughts
on Govern-
ment.

Mr. Rous. the judgment I form. I see the strong holds of despotism destroyed—I have confidence in the powerful operation of that principle which pervades all France—a sense of common interest. As a theorist, I acknowledge their defects, particularly that the executive is too much blended with the legislative authority. But my theory is silenced by the experience of other states. The governments in Switzerland are many of the worst forms, an aristocracy approaching to oligarchy; yet the people knowing the use of arms, and the temptations of corruption being withheld from their rulers, no country in the world enjoys a milder administration, or more real liberty; the soil is highly cultivated; and taxes, so small as scarcely to be felt by the people, are found more than adequate to all the expences of government; while the surplus in the public treasury remains a supply for the possible event of war.

The New CONSTITUTION of FRANCE.

MR. BURKE.

MEN who undertake considerable things, even in a regular way, ought to give us ground to presume ability.—But the physician of the state who, not satisfied with the cure of distempers, undertakes to *regenerate constitutions*, ought to shew uncommon powers.—Some very unusual appearances of wisdom ought to display themselves on the face of the designs of those who appeal to no practice, and who copy after no model.—Has any such been manifested in the REVOLUTION of FRANCE?—I shall take a view of what the assembly is done, with regard, first to the *constitution* of the *legislature*; in the next place to that of the *executive power*; then to that of the *judicature*; afterwards to the model of the *army*, and conclude with the system of *finance*,—to see whether we can discover in any part of their schemes, the portentous ability, which may justify these bold undertakers in the superiority which they assume over mankind.

It is in the model of the sovereign and presiding part of this new republic, that we should expect

Reflections
on the Re-
volution in
France, &c.
}

Mr. Burke. their grand display.—Here they were to prove their title to their proud demands.—For the plan itself at large, and for the reasons on which it is grounded, I refer to the journals of the assembly of the 29th of September 1789, and to the subsequent proceedings which have made any alterations in the plan.—So far as, in a matter somewhat confused, I can see light, the system remains substantially as it has been originally framed.—My remarks will be such as its spirit, its tendency and its fitness for framing a popular commonwealth, which they profess theirs to be, suited to the ends for which any commonwealth, and particularly such a commonwealth, is made. At the same time, I mean to consider its consistency with itself, and its own principles.

Old establishments are tried by their effects. If the people are happy, united, wealthy, and powerful, we presume the rest. We conclude that to be good from whence good is derived. In old establishments various correctives have been found for their aberrations from theory. Indeed they are the results of various necessities and expedencies. They are not often constructed after any theory; theories are rather drawn from them. In them we often see the end best obtained, where the means seem not perfectly reconcileable to what we may fancy was the original scheme. The means taught by experience may be better suited to political ends than those contrived in the original project. They again re-act upon the primitive constitution, and
sometimes

sometimes improve the design itself from which they seem to have departed. I think all this might be curiously exemplified in the British constitution. At worst the errors and deviations of every kind in reckoning are found and computed, and the ship proceeds in her course. This is the case of old establishments ; but in a new and merely theoretic system, it is expected that every contrivance shall appear, on the face of it, to answer its end ; especially where the projectors are no way embarrassed with an endeavour to accommodate the new building to an old one, either in the walls or on the foundations,

Mr. Burke.

The French builders, clearing away as mere rubbish whatever they found, and, like their ornamental gardeners, forming every thing into an exact level, purpose to rest the whole local and general legislature on three bases of three different kinds ; one geometrical, one arithmetical, and the third financial ; the first of which they call the *basis of territory* ; the second, the *basis of population* ; and the third, the *basis of contribution*. For the accomplishment of the first of these purposes they divide the area of their country into eighty-three pieces, regularly square, of eighteen leagues by eighteen. These large divisions are called *departments*. These they portion, proceeding by square measurement, into seventeen hundred and twenty districts, called *communes*. These again they subdivide, still proceeding by square measurement, into smaller districts called *cantons*, making in all 6,400.

At

Mr. Burke.

At first view this geometrical basis of their presents not much to admire or to blame. It calls for no great legislative talents. Nothing more than an accurate land surveyor, with his chain, sight, and theodolite, is requisite for such a plan as this. In the old divisions of the country, various accidents at various times, and the ebb and flow of various properties and jurisdictions, settled their bounds. These bounds were not made upon any fixed system undoubtedly. They were subject to some inconveniences; but they were inconveniences for which use had found remedies, and habit had supplied accommodation and patience. In this new pavement of square within square, and this organization and semi-organization made on the system of Empedocles and Buffon, and not upon any politic principle, it is impossible that innumerable local inconveniences, to which men are not habituated, must not arise. But these I pass over, because it requires an accurate knowledge of the country, which I do not possess, to specify them.

When these state-surveyors came to take a view of their work of measurement, they soon found that, in politics, the most fallacious of all things was geometrical demonstration. They had then recourse to another basis (or rather buttress) to support the building, which tottered on that false foundation. It was evident, that the goodness of the soil, the number of the people, their wealth, and the largeness of their contribution, made such infinite variations between

tween square and square as to render mensuration a ridiculous standard of power in the commonwealth, and equality in geometry the most unequal of all measures in the distribution of men. However, they could not give it up. But dividing their political and civil representation into three parts, they allotted one of those parts to the square measurement, without a single fact or calculation to ascertain whether this territorial proportion of representation was fairly assigned, and ought upon any principle really to be a third. Having however given to geometry this portion (of a third for her power) out of compliment I suppose to that sublime science, they left the other two to be scuffled for between the other parts, population and contribution.

Mr. Burke.

When they came to provide for population, they were not able to proceed quite so smoothly as they had done in the field of their geometry. Here their arithmetic came to bear upon their juridical metaphysics. Had they stuck to their metaphysic principles, the arithmetical process would be simple indeed. Men, with them, are strictly equal, and are entitled to equal rights in their own government. Each head, on this system, would have its vote, and every man would vote directly for the person who was to represent him in the legislature. "But soft—by regular degrees, not yet." This metaphysic principle, to which law, custom, usage, policy, reason, were to yield, is to yield itself to their pleasure. There must be many degrees,
and

Mr. Burke. and some stages, before the representative can come in contact with his constituent. Indeed, as we shall soon see, these two persons are to have no sort of communion with each other. First, the voters in the *canton*, who compose what they call *primary assemblies*, are to have a *qualification*. What! a qualification on the indefeasible rights of men? Yes; but it shall be a very small qualification. Our injustice shall be very little oppressive; only the local valuation of three days labour paid to the public. Why, this is not much, I readily admit, for any thing but the utter subversion of your equalizing principle. As a qualification it might as well be let alone; for it answers no one purpose for which qualifications are established: and, on your ideas, it excludes from a vote, the man of all others whose natural equality stands the most in need of protection and defence; I mean the man who has nothing else but his natural equality to guard him. You order him to buy the right, which you before told him nature had given to him gratuitously at his birth, and of which no authority on earth could lawfully deprive him. With regard to the person who cannot come up to your market, a tyrannous aristocracy, as against him, is established at the very outset, by you who pretend to be its sworn foe.

The gradation proceeds. These primary assemblies of the *canton* elect deputies to the *commune*; one for every two hundred qualified inhabitants. Here is the first medium put between the primary elector and the representative

ative legislator ; and here a new turnpike Mr. Bar
 for taxing the rights of men with a second
 tion : for none can be elected into the *com-*
 o does not pay the amount of ten days la-
 for have we yet done. There is still to be
 gradation*. These *communes*, chosen by the
 hoose to the *department* ; and the deputies
partment choose their deputies to the *na-*
mby. Here is a third barrier of a senseless
 ion. Every deputy to the national assembly
 , in direct contribution, to the value of a
silver. Of all these qualifying barriers we
 ik alike ; that they are impotent to secure
 ence ; strong only to destroy the rights of

his process, which in its fundamental ele-
 fects to consider only *population* upon a
 of natural right, there is a manifest at-
 o *property* ; which, however just and rea-
 n other schemes, is on theirs perfectly
 able.

they come to their third basis, that of

sembly, in executing the plan of their committee,
 alterations. They have struck out one stage in
 ions ; this removes a part of the objection : but the
 on, namely, that in their scheme the first constituent
 o connection with the representative legislator, re-
 its force. There are other alterations, some possibly
 r, some certainly for the worse ; but to the author
 demerit of these smaller alterations appear to be of
 where the scheme itself is fundamentally vicious and

contri-

Mr. Burke. *contribution*, we find that they have more completely lost sight of their rights of men. This last basis rests *entirely* on property. A principle totally different from the equality of men, and utterly irreconcilable to it, is thereby admitted; but no sooner is this principle admitted, than (as usual) it is subverted; and it is not subverted (as we shall presently see), to approximate the inequality of riches to the level of nature. The additional share in the third portion of representation (a portion reserved exclusively for the higher contribution) is made to regard the *district* only, and not the individuals in it who pay. It is easy to perceive, by the course of their reasonings, how much they were embarrassed by their contradictory ideas of the rights of men and the privileges of riches. The committee of constitution do as good as admit that they are wholly irreconcilable. "The relation, with regard to the contributions, is without doubt *null* (say they) when the question is on the balance of the political rights as between individual and individual; without which *personal equality would be destroyed*, and an *aristocracy of the rich* would be established. But this inconvenience entirely disappears when the proportional relation of the contribution is only considered in the *great masses*, and is solely between province and province; it serves in that case only to form a just reciprocal proportion between the cities, without affecting the personal rights of the citizens."

Here the principle of *contribution*, as taken between

between man and man is reprobated as *null*, and destructive to equality; and as pernicious too; because it leads to the establishment of an *aristocracy of the rich*. However, it must not be abandoned. And the way of getting rid of the difficulty is to establish the inequality as between department and department, leaving all the individuals in each department upon an exact par. Observe, that this parity between individuals had been before destroyed when the qualifications within the departments were settled; nor does it seem a matter of great importance, whether the equality of men be injured by masses, or individually. An individual is not of the same importance in a mass represented by a few, as in a mass represented by many. It would be too much to tell a man jealous of his equality, that the elector has the same franchise who votes for three members, as he who votes for ten.

Mr. Burke.

Now take it in the other point of view, and let us suppose their principle of representation according to contribution, that is, according to riches, to be well imagined; and to be a necessary basis for their republic. In this their third basis they assume, that riches ought to be respected, and that justice and policy require that they should entitle men, in some mode or other, to a larger share in the administration of public affairs: It is now to be seen, how the assembly provides for the pre-eminence, or even for the security of the rich, by conferring, in virtue of their opulence, that larger measure of power to their district which is denied to them personally.

Mr. Burke.

sonally. I readily admit (indeed I should lay it down as a fundamental principle), that in a republican government, which has a democratic basis, the rich do require an additional security above what is necessary to them in monarchies. They are subject to envy, and through envy to oppression. On the present scheme, it is impossible to divine what advantage they derive from the aristocratic preference upon which the unequal representation of the masses is founded. The rich cannot feel it, either as a support to dignity, or as security to fortune: for the aristocratic mass is generated from purely democratic principles; and the prevalence given to it in the general representation, has no sort of reference to or connection with the persons, upon account of whose property this superiority of the mass is established. If the contrivers of this scheme meant any sort of favour to the rich in consequence of their contribution, they ought to have conferred the privilege either on the individual rich, or on some class formed of rich persons (as historians represent Servius Tullius to have done in the early constitution of Rome); because the contest between the rich and the poor is not a struggle between corporation and corporation, but a contest between men and men; a competition not between districts, but between descriptions. It would answer its purpose better if the scheme were inverted; that the votes of the masses were rendered equal; and that the votes within each mass were proportioned to property.

Let

Let us suppose one man in a district (it is an easy supposition) to contribute as much as an hundred of his neighbours. Against these he has but one vote. If there were but one representative for the mass, his poor neighbours would outvote him by an hundred to one for that single representative. Bad enough. But amends are to be made him. How? The district, in virtue of his wealth, is to choose, say, ten members instead of one: that is to say, by paying a very large contribution, he has the happiness of being outvoted an hundred to one by the poor for ten representatives, instead of being outvoted exactly in the same proportion for a single member. In truth, instead of benefiting by this superior quantity of representation, the rich man is subjected to an additional hardship. The increase of representation within his province sets up nine persons more, and as many more than nine as there may be democratic candidates, to cabal and intrigue, and to flatter the people at his expence and to his oppression. An interest is by this means held out to multitudes of the inferior sort, in obtaining a salary of eighteen livres a day (to them a vast object), besides the pleasure of a residence in Paris, and their share in the government of the kingdom. The more the objects of ambition are multiplied and become democratic, just in that proportion the rich are endangered.

Thus it must fare between the poor and the rich in the province deemed aristocratic, which in its internal relation is the very reverse of that cha-

Mr. Burke. rafter. In its external relation, that is, its relation to the other provinces, I cannot see how the unequal representation which is given to masses on account of wealth, becomes the means of preserving the equipoise and the tranquillity of the commonwealth. For if it be one of the objects to secure the weak from being crushed by the strong (as in all society undoubtedly it is), how are the smaller and poorer of these masses to be saved from the tyranny of the more wealthy? Is it by adding to the wealthy further and more systematical means of oppressing them? When we come to a balance of representation between corporate bodies, provincial interests, emulations, and jealousies are full as likely to arise among them as among individuals; and their divisions are likely to produce a much hotter spirit of dissention, and something leading much more nearly to a war.

I see that these aristocratic masses are made upon what is called the principle of direct contribution. Nothing can be a more unequal standard than this. The indirect contribution, that which arises from duties on consumption, is in truth a better standard, and follows and discovers wealth more naturally than this of direct contribution. It is difficult indeed to fix a standard of local preference on account of the one, or of the other, or of both; because some provinces may pay the more of either or of both, on account of causes not intrinsic, but originating from those very districts over whom they have obtained a preference in consequence of
their

eir ostensible contribution. If the masses were dependent sovereign bodies, who were to provide for a federative treasury by distinct contingents, and at the revenue had not (as it has) many impositions running through the whole, which affect men individually, and not corporately, and which, by eir nature, confound all territorial limits, something might be said for the basis of contribution as undened on masses. But of all things, this representation, to be measured by contribution, is the most difficult to settle upon principles of equity, in a country which considers its districts as members of a whole. For a great city, such as Bourdeaux or Paris, appears to pay a vast body of duties, almost out of all assignable proportion to other places, and the mass is considered accordingly. But are these cities the true contributors in that proportion? No. The consumers of the commodities imported into Bourdeaux, who are scattered through all France, pay the import duties of Bourdeaux. The produce of the vintage in Guienne and Languedoc gives to that city the means of its contribution growing out of an export commerce. The landholders, who reside on their estates in Paris, and are thereby the contributors of that city, contribute for Paris from the provinces out of which their revenues arise. Very early the same arguments will apply to the representative share given on account of *direct* contribution: because the direct contribution must be assessed on wealth real or presumed; and that local wealth will itself arise from causes not local, and

Mr. Burke.

Mr. Burke. which therefore in equity ought not to produce a local preference.

It is very remarkable, that in this fundamental regulation, which settles the representation of the mass upon the direct contribution, they have not yet settled how that direct contribution shall be laid, and how apportioned. Perhaps there is some latent policy towards the continuance of the present assembly in this strange procedure. However, until they do this, they can have no certain constitution. It must depend at last upon the system of taxation, and must vary with every variation in that system. As they have contrived matters, their taxation does not so much depend on their constitution, as their constitution on their taxation. This must introduce great confusion among the masses; as the variable qualification for votes within the district must, if ever real contested elections take place, cause infinite internal controversies.

To compare together the three bases, not on their political reason, but on the ideas on which the assembly works, and to try its consistency with itself, we cannot avoid observing, that the principle which the committee call the basis of *population*, does not begin to operate from the same point with the two other principles called the bases of *territory* and of *contribution*, which are both of an aristocratic nature. The consequence is, that where all three begin to operate together, there is the most absurd inequality produced by the operation of the former on the two latter principles. Every canton contains

contains four square leagues, and is estimated to contain, on the average, 4,000 inhabitants or 680 voters in the *primary assemblies*, which vary in numbers with the population of the canton, and send *one deputy* to the *commune* for every 200 voters. *Nine cantons* make a *commune*. Mr. Burke

Now let us take a *canton* containing a *sea-port town of trade*, or a *great manufacturing town*. Let us suppose the population of this canton to be 12,700 inhabitants, or 2,193 voters, forming *three primary assemblies*, and sending *ten deputies* to the *commune*.

Oppose to this *one* canton, *two* others of the remaining eight in the same commune. These we may suppose to have their fair population of 4,000 inhabitants and 680 voters each, or 8,000 inhabitants and 1,360 voters, both together. These will form only *two primary assemblies*, and send only *six* deputies to the *commune*.

When the assembly of the *commune* comes to vote on the *basis of territory*, which principle is first admitted to operate in that assembly, the *single canton*, which has *half* the territory of the *other two*, will have *ten* voices to *six* in the election of *three deputies* to the assembly of the department, chosen on the express ground of a representation of territory.

This inequality, striking as it is, will be yet highly aggravated, if we suppose, as we fairly may, the *several* other cantons of the *commune* to fall proportionably short of the average population, as much as the *principal canton* exceeds it. Now, as to the *basis of contribution*, which also is a principle

Mr. Burke: ciple admitted first to operate in the assembly of the *commune*—Let us again take *one* canton, such as is stated above. If the whole of the direct contributions paid by a great trading or manufacturing town be divided equally among the inhabitants, each individual will be found to pay much more than an individual living in the country according to the same average. The whole paid by the inhabitants of the former, will be more than the whole paid by the inhabitants of the latter—we may fairly assume one-third more. Then the 12,700 inhabitants, or 2,193 voters of the canton, will pay as much as 19,050 inhabitants, or 3,289 voters of the *other cantons*, which are nearly the estimated proportion of inhabitants and voters of *five* other cantons. Now, the 2,193 voters will, as I before said, send only *ten* deputies to the assembly; the 3,289 voters will send *sixteen*. Thus, for an *equal* share in the contribution of the whole *commune*, there will be a difference of *sixteen* voices to *ten* in voting for deputies to be chosen on the principle of representing the general contribution of the whole *commune*.

By the same mode of computation, we shall find 15,875 inhabitants, or 2,741 voters of the *other cantons*, who pay *one-sixth* LESS to the contribution of the whole *commune*, will have *three* voices MORE than the 12,700 inhabitants, or 2,193 voters of the *one* canton.

Such is the fantastical and unjust inequality between mass and mass, in this curious repartition of the

the rights of representation arising out of *territory* and *contribution*. The qualifications which these confer are in truth negative qualifications, that give right in an inverse proportion to the possession of them. Mr. Burke.

In this whole contrivance of the three bases, consider it in any light you please, I do not see a variety of objects reconciled in one consistent whole, but several contradictory principles reluctantly and irreconcilably brought and held together by your philosophers, like wild beasts put up in a cage to claw and bite each other to their mutual destruction.

I am afraid I have gone too far into their way of considering the formation of a constitution. They have much, but bad, metaphysics; much, but bad, geometry; much, but false, proportionate arithmetic: but if it were all as exact as metaphysics, geometry and arithmetic ought to be, and if their schemes were perfectly consistent in all their parts, it would make only a more fair and slighty vision. It is remarkable, that in a great arrangement of mankind, not one reference whatsoever is to be found to any thing moral or any thing political; nothing that relates to the concerns, the affections, the passions, the interests of men. *Hominem non sapiunt.*

You see I only consider this constitution as electoral, and leading by steps to the national assembly. I do not enter into the internal government of the departments, and their genealogy through

Mr. Burke. through the communes and cantons. These local governments are, in the original plan, to be as nearly as possible composed in the same manner and on the same principles with the elective assemblies. They are each of them bodies perfectly compact and rounded in themselves.

You cannot but perceive in this scheme, that it has a direct and immediate tendency to sever France into a variety of republics, and to render them totally independent of each other, without any direct constitutional means of coherence, connection, or subordination, except what may be derived from their acquiescence in the determinations of the general congress of the ambassadors from each independent republic. Such in reality is the national assembly; and such governments I admit do exist in the world, though in forms infinitely more suitable to the local and habitual circumstances of their people. But such associations, rather than bodies politic, have generally been the effect of necessity, not choice; and I believe the present French power is the very first body of citizens, who, having obtained full authority to do with their country what they pleased, have chosen to dissolve it in this barbarous manner.

It is impossible not to observe, that, in the spirit of this geometrical distribution, and arithmetical arrangement, these pretended citizens treat France exactly like a country of conquest. Acting as conquerors, they have imitated the policy of the hardest of that hard race. The policy of such
barbarous

barbarous victors, who condemn a subdued people, Mr. Burke.
 and insult their feelings, has ever been, as much as
 in them lay, to destroy all vestiges of the ancient
 country, in religion, in polity, in laws, and in man-
 ners; to confound all territorial limits; to pro-
 duce a general poverty; to put up their proper-
 ties to auction; to crush their princes, nobles, and
 pontiffs; to lay low every thing which had lifted
 its head above the level, or which could serve to
 combine or rally, in their distresses, the disbanded
 people, under the standard of old opinion. They
 have made France free in the manner in which
 those sincere friends to the rights of mankind, the
 Romans, freed Greece, Macedon, and other na-
 tions. They destroyed the bonds of their union,
 under colour of providing for the independence
 of each of their cities.

When the members who compose these new
 bodies of cantons, communes, and departments, ar-
 rangements purposely produced through the me-
 dium of confusion, begin to act, they will find them-
 selves, in a great measure, strangers to one another.
 The electors and elected throughout, especially in
 the rural *cantons*, will be frequently without any civil
 habitudes or connections, or any of that natural dis-
 cipline which is the soul of a true republic. Magi-
 strates and collectors of revenue are now no longer
 acquainted with their districts, bishops with their
 dioceses, or curates with their parishes. These new
 colonies of the rights of men bear a strong resem-
 blance to that sort of military colonies which Ta-
 citus

Mr. Burke. citus has observed upon in the declining policy of Rome. In better and wiser days (whatever course they took with foreign nations) they were careful to make the elements of a methodical subordination and settlement to be coeval, and even to lay the foundations of civil discipline in the military *. But, when all the good arts had fallen into ruin, they proceeded, as your assembly does, upon the equality of men, and with as little judgment, and as little care for those things which make a republic tolerable or durable. But in this, as well as almost every instance, your new commonwealth is born, and bred, and fed, in those corruptions which mark degenerated and worn-out republics. Your child comes into the world with the symptoms of death; the *facies hippocratica* forms the character of its physiognomy, and the prognostic of its fate.

The legislators who framed the ancient republics, knew that their business was too arduous to be accomplished with no better apparatus than the metaphysics of an under-graduate, and the mathematics and arithmetic of an exciseman. They had to do with men, and they were obliged to study

* Non, ut olim, universæ legiones deducebantur cum tribunis, et centurionibus, et sui cujusque ordinis militibus, ut consensu et caritate rempublicam afficerent; sed ignoti inter se, diversis manipulis, sine rectore, sine affectibus mutuis, quasi ex alio genere mortalium, repente in unum collecti, numerus magis quam colonia. Tac. Annal. l. 14. sect. 27.—All this will be still more applicable to the unconnected, rotatory, biennial national assemblies in this absurd and senseless constitution.

human

human nature. They had to do with citizens, Mr. Burke.
 and they were obliged to study the effects of those
 habits which are communicated by the circum-
 stances of civil life. They were sensible that the
 operation of this second nature on the first pro-
 duced a new combination; and thence arose many
 diversities amongst men, according to their birth,
 their education, their professions, the periods of
 their lives, their residence in towns or in the coun-
 try, their several ways of acquiring and of fixing
 property, and according to the quality of the pro-
 perty itself, all which rendered them as it were so
 many different species of animals. From hence they
 thought themselves obliged to dispose their citizens
 into such classes, and to place them in such situa-
 tions in the state as their peculiar habits might
 qualify them to fill, and to allot to them such ap-
 propriated privileges as might secure to them
 what their specific occasions required, and which
 might furnish to each description such force as
 might protect it in the conflict caused by the di-
 versity of interests, that must exist, and must con-
 tend in all complex society: for the legislator would
 have been ashamed, that the coarse husbandman
 should well know how to assort and to use his
 sheep, horses, and oxen, and should have enough
 of common sense not to abstract and equalize them
 all into animals, without providing for each kind
 an appropriate food, care, and employment; whilst
 he, the economist, disposer, and shepherd of his
 own kindred, subliming himself into an airy meta-
 physician, was resolved to know nothing of his
 flocks,

Mr. Burke. flocks, but as men in general. It is for this reason that Montesquieu observed very justly, that in their classification of the citizens, the great legislators of antiquity made the greatest display of their powers, and even soared above themselves. It is here that your modern legislators have gone deep into the negative series, and sunk even below their own nothing. As the first sort of legislators attended to the different kinds of citizens, and combined them into one commonwealth, the others, the metaphysical and alchemistical legislators, have taken the direct contrary course. They have attempted to confound all sorts of citizens, as well as they could, into one homogeneous mass; and then they divided this their amalgama into a number of incoherent republics. They reduce men to loose counters, merely for the sake of simple telling, and not to figures, whose power is to arise from their place in the table. The elements of their own metaphysics might have taught them better lessons. The troll of their categorical table might have informed them that there was something else in the intellectual world besides *substance* and *quantity*. They might learn from the catechism of metaphysics, that there were eight heads more *, in every complex deliberation, which they have never thought of, though these, of all the ten, are the subject on which the skill of man can operate any thing at all.

* Qualitas, Relatio, Actio, Passio, Ubi, Quando, Situs, Habitus.

So far from this able disposition of some of the old republican legislators, which follows, with a solicitous accuracy, the moral conditions and propensities of men, they have levelled and crushed together all the orders which they found, even under the coarse unartificial arrangement of the monarchy, in which mode of government the classing of the citizens is not of so much importance as in a republic. It is true, however, that every such classification, if properly ordered, is good in all forms of government ; and composes a strong barrier against the excesses of despotism, as well as it is the necessary means of giving effect and permanence to a republic. For want of something of this kind, if the present project of a republic should fail, all securities to a moderated freedom fail along with it ; all the indirect restraints which mitigate despotism are removed ; inasmuch, that if monarchy should ever again obtain an entire ascendancy in France, under this or under any other dynasty, it will probably be, if not voluntarily tempered at setting out, by the wise and virtuous counsels of the prince, the most completely arbitrary power that has ever appeared on earth. This is to play a most desperate game.

Mr Burke.

The confusion which attends on all such proceedings, they even declare to be one of their objects, and they hope to secure their constitution by a terror of a return of those evils which attended their making it. " By this," say they, " its destruction " will become difficult to authority, which cannot

Mr. Burke.

“ break it up without the entire disorganization of
“ the whole state.” They presume, that if this
authority should ever come to the same degree of
power that they have acquired, it would make a
more moderate and chastised use of it, and would
piously tremble entirely to disorganise the state in
the savage manner that they have done. They ex-
pect, from the virtues of returning despotism, the
security which is to be enjoyed by the offspring of
their popular vices.

I wish, Sir, that you and my readers would give
an attentive perusal to the work of M. de Calonne
on this subject. It is indeed not only an eloquent,
but an able and instructive performance. I con-
fine myself to what he says relative to the constitu-
tion of the new state, and to the condition of the
revenue. As to the disputes of this minister with
his rivals, I do not wish to pronounce upon them.
As little do I mean to hazard any opinion concern-
ing his ways and means, financial or political, for
taking his country out of its present disgraceful and
deplorable situation of servitude, anarchy, bank-
ruptcy, and beggary. I cannot speculate quite so
fanguinely as he does; but he is a Frenchman, and
has a closer duty relative to those objects, and better
means of judging of them, than I can have. I wish
that the formal avowal which he refers to, made by
one of the principal leaders in the assembly, con-
cerning the tendency of their scheme to bring
France not only from a monarchy to a republic,
but from a republic to a mere confederacy, may
be

be very particularly attended to. It adds new force Mr. Burke.
to my observations ; and indeed M. de Calonne's
work supplies my deficiencies by many new and
striking arguments on most of the subjects of this
letter*.

It is this resolution, to break their country into separate republics, which has driven them into the greatest number of their difficulties and contradictions. If it were not for this, all the questions of exact equality, and these balances, never to be settled, of individual rights, population, and contribution, would be wholly useless. The representation, though derived from parts, would be a duty, which equally regarded the whole. Each deputy to the assembly would be the representative of France, and of all its descriptions, of the many and of the few, of the rich and of the poor, of the great districts and of the small. All these districts would themselves be subordinate to some standing authority, existing independently of them ; an authority in which their representation, and every thing that belongs to it, originated, and to which it was pointed. This standing, unalterable, fundamental government would make, and it is the only thing which could make, that territory truly and properly an whole. With us, when we elect popular representatives, we send them to a council, in which each man individually is a subject, and submitted to a government complete in all its ordinary functions.

* See l'Etat de la France, p. 363.

Mr. Burke.

With you the elective assembly is the sovereign, and the sole sovereign : all the members are therefore integral parts of this sole sovereignty. But with us it is totally different. With us the representative, separated from the other parts, can have no action and no existence. The government is the point of reference of the several members and districts of our representation. This is the centre of our unity. This government of reference is a trustee for the *whole*, and not for the parts. So is the other branch of our public council, I mean the house of lords. With us the king and the lords are several and joint securities for the equality of each district, each province, each city. When did you hear in Great Britain of any province suffering from the inequality of its representation? what district from having no representation at all? Not only our monarchy and our peerage secure the equality on which our unity depends, but it is the spirit of the house of commons itself. The very inequality of representation, which is so foolishly complained of, is perhaps the very thing which prevents us from thinking or acting as members for districts. Cornwall elects as many members as all Scotland. But is Cornwall better taken care of than Scotland? Few trouble their heads about any of your bales, out of some giddy clubs. Most of those, who wish for any change, upon any plausible grounds, desire it on different ideas.

Your new constitution is the very reverse of ours in its principle ; and I am astonished how any persons

sons could dream of holding out any thing done in it as an example for Great Britain. With you there is little, or rather no connection between the last representative and the first constituent. The member who goes to the national assembly is not chosen by the people, nor accountable to them. There are three elections before he is chosen : two sets of magistracy intervene between him and the primary assembly, so as to render him, as I have said, an ambassador of a state, and not the representative of the people within a state. By this the whole spirit of the election is changed ; nor can any corrective your constitution-mongers have devised render him any thing else than what he is. The very attempt to do it would inevitably introduce a confusion, if possible, more horrid than the present. There is no way to make a connection between the original constituent and the representative, but by the circuitous means which may lead the candidate to apply in the first instance to the primary electors, in order that by their authoritative instructions (and something more perhaps) these primary electors may force the two succeeding bodies of electors to make a choice agreeable to their wishes. But this would plainly subvert the whole scheme. It would be to plunge them back into that tumult and confusion of popular election, which, by their interposed gradation elections, they mean to avoid, and at length to risk the whole fortune of the state with those who have the least knowledge of it, and the least interest in it. This is a perpetual

Mr. Burke.

Mr. Burke.

dilemma, into which they are thrown by the vicious, weak, and contradictory principles they have chosen. Unless the people break up and level this gradation, it is plain that they do not at all substantially elect to the assembly ; indeed they elect as little in appearance as reality.

What is it we all seek for in an election ? To answer its real purposes, you must first possess the means of knowing the fitness of your man ; and then you must retain some hold upon him by personal obligation or dependence. For what end are these primary electors complimented, or rather mocked, with a choice ? They can never know any thing of the qualities of him that is to serve them, nor has he any obligation whatsoever to them. Of all the powers unfit to be delegated by those who have any real means of judging, that most peculiarly unfit is what relates to a *personal* choice. In case of abuse, that body of primary electors never can call the representative to an account for his conduct. He is too far removed from them in the chain of representation. If he acts improperly at the end of his two years lease, it does not concern him for two years more. By the new French constitution, the best and the wisest representatives go equally with the worst into this *limbus patrum*. Their bottoms are supposed foul, and they must go into dock to be refitted. Every man who has served in an assembly is ineligible for two years after. Just as these magistrates begin to learn their trade, like chimney-sweepers, they are disqualified
for

for exercising it. Superficial, new, petulant acquisition, and interrupted, dronish, broken, ill recollection, is to be the destined character of all your future governors. Your constitution has too much of jealousy to have much of sense in it. You consider the breach of trust in the representative so principally, that you do not at all regard the question of his fitness to execute it.

Mr. Burke.

This purgatory interval is not unfavourable to a faithless representative, who may be as good a canvasser as he was a bad governor. In this time he may cabal himself into a superiority over the wisest and most virtuous. As, in the end, all the members of this elective constitution are equally fugitive, and exist only for the election, they may be no longer the same persons who had chosen him, to whom he is to be responsible when he solicits for a renewal of his trust. To call all the secondary electors of the *commune* to account, is ridiculous, impracticable, and unjust; they may themselves have been deceived in their choice, as the third set of electors, those of the *department*, may be in theirs. In your elections responsibility cannot exist.

Finding no sort of principle of coherence with each other in the nature and constitution of the several new republics of France, I considered what cement the legislators had provided for them from any extraneous materials. Their confederations, their *spectacles*, their civic feasts, and their enthusiasm, I take no notice of; they are nothing but

Mr. Burke.

mere tricks ; but tracing their policy through their actions, I think I can distinguish the arrangements by which they propose to hold these republics together. The first is the *confiscation*, with the compulsory paper currency annexed to it ; the second, is the supreme power of the city of Paris ; the third, is the general army of the state. Of this last I shall reserve what I have to say, until I come to consider the army as an head by itself.

As to the operation of the first (the confiscation and paper currency) merely as a cement, I cannot deny that these, the one depending on the other, may for some time compose some sort of cement, if their madness and folly in the management, and in the tempering of the parts together, does not produce a repulsion in the very outset. But allowing to the scheme some coherence and some duration, it appears to me, that if, after a while, the confiscation should not be found sufficient to support the paper coinage (as I am morally certain it will not), then, instead of cementing, it will add infinitely to the dissociation, distraction, and confusion of these confederate republics, both with relation to each other, and to the several parts within themselves. But if the confiscation should so far succeed as to sink the paper currency, the cement is gone with the circulation. In the mean time its binding force will be very uncertain, and it will straiten or relax with every variation in the credit of the paper.

One thing only is certain in this scheme, which
is

is an effect seemingly collateral, but direct, I have Mr. Burke.
 no doubt, in the minds of those who conduct this
 business, that is, its effect in producing an *oligarchy*
 in every one of the republics. A paper circulation,
 not founded on any real money deposited or en-
 gaged for, amounting already to four-and-forty
 millions of English money, and this currency by
 force substituted in the place of the coin of the
 kingdom, becoming thereby the substance of its
 revenue, as well as the medium of all its com-
 mercial and civil intercourse, must put the whole
 of what power, authority, and influence is left, in
 any form whatsoever it may assume, into the hands
 of the managers and conductors of this circu-
 lation.

In England we feel the influence of the bank ;
 though it is only the centre of a voluntary dealing.
 He knows little indeed of the influence of money
 upon mankind, who does not see the force of the
 management of a monied concern, which is so
 much more extensive, and in its nature so much
 more depending on the managers than any of ours.
 But this is not merely a money concern. There
 is another member in the system inseparably con-
 nected with this money management. It consists
 in the means of drawing out at discretion portions
 of the confiscated lands for sale ; and carrying on a
 process of continual transmutation of paper into
 land, and land into paper. When we follow this
 process in its effects, we may conceive something
 of the intensity of the force with which this system

Mr. Burke. must operate. By this means the spirit of money-jobbing and speculation goes into the mass of land itself, and incorporates with it. By this kind of operation, that species of property becomes (as it were) volatilized; it assumes an unnatural and monstrous activity, and thereby throws into the hands of the several managers, principal and subordinate, Parisian and provincial, all the representative of money, and perhaps a full tenth part of all the land in France, which has now acquired the worst and most pernicious part of the evil of a paper circulation, the greatest possible uncertainty in its value. They have reversed the Latonian kindness to the landed property of Delos. They have sent theirs to be blown about, like the light fragments of a wreck, *oras et littora circum*.

The new dealers being all habitually adventurers, and without any fixed habits or local predilections, will purchase to job out again, as the market of paper, or of money, or of land, shall present an advantage. For though an holy bishop thinks that agriculture will derive great advantages from the “enlightened” usurers who are to purchase the church confiscations, I, who am not a good, but an old farmer, with great humility beg leave to tell his late lordship, that usury is not a tutor of agriculture; and if the word “enlightened” be understood according to the new dictionary, as it always is in your new schools, I cannot conceive how a man’s not believing in God can teach him to cultivate the earth with the least of any additional skill or encouragement.

“Diis

his immortalibus fero," said an old Roman, Mr. Burke.
 when he held one handle of the plough, whilst
 the other held the other. Though you were to join
 the commission all the directors of the two acad-
 emies to the directors of the *caisse d'escompte*, one
 experienced peasant is worth them all. I have
 more information, upon a curious and interest-
 ing branch of husbandry, in one short conversa-
 tion with a Carthusian monk, than I have derived
 from all the bank directors that I have ever con-
 ferred with. However, there is no cause for ap-
 prehension from the meddling of money-dealers
 in rural economy. These gentlemen are too
 young in their generation. At first, perhaps, their
 tender and susceptible imaginations may be cap-
 tivated with the innocent and unprofitable de-
 tails of a pastoral life; but in a little time they will
 see that agriculture is a trade much more labori-
 ous and much less lucrative than that which they
 have left. After making its panegyric, they will
 turn their backs on it like their great precursor and
 prototype. They may, like him, begin by singing
 "eatus ille"—but what will be the end?

*Hæc ubi locutus fœnerator Alphius,
 Jam jam futurus rusticus
 Omnem relegit idibus pecuniam,
 Quærit calendis ponere.*

They will cultivate the *caisse d'Eglise*, under
 the sacred auspices of this prelate, with much
 more profit than its vineyards or its corn-fields.
 They will employ their talents according to their
habits

Mr. Burke. habits and their interests. They will not follow the plough whilst they can direct treasuries, and govern provinces.

Your legislators, in every thing new, are the very first who have founded a commonwealth upon gaming, and infused this spirit into it as its vital breath. The great object in these politics is to metamorphose France from a great kingdom into one great play-table; to turn its inhabitants into a nation of gamblers; to make speculation as extensive as life; to mix it with all its concerns; and to divert the whole of the hopes and fears of the people from their usual channels, into the impulses, passions, and superstitions of those who live on chances. They loudly proclaim their opinion, that this their present system of a republic cannot possibly exist without this kind of gaming fund; and that the very thread of its life is spun out of the staple of these speculations. The old gaming in funds was mischievous enough undoubtedly; but it was so only to individuals. Even when it had its greatest extent, in the Mississippi and South Sea, it affected but few, comparatively; where it extends further, as in lotteries, the spirit has but a single object. But where the law, which in most circumstances forbids, and in none countenances gaming, is itself debauched, so as to reverse its nature and policy, and expressly to force the subject to this destructive table, by bringing the spirit and symbols of gaming into the minutest matters, and engaging every body in it, and in every thing, a more dreadful

dreadful epidemic distemper of that kind is spread Mr. Burke,
 than yet has appeared in the world. With you a man
 can neither earn nor buy his dinner, without a speculation. What he receives in the morning will not have the same value at night. What he is compelled to take as pay for an old debt, will not be received as the same when he comes to pay a debt contracted by himself; nor will it be the same when by prompt payment he would avoid contracting any debt at all. Industry must wither away. Economy must be driven from your country. Careful provision will have no existence. Who will labour without knowing the amount of his pay? Who will study to increase what none can estimate? Who will accumulate, when he does not know the value of what he saves? If you abstract it from its uses in gaming, to accumulate your paper wealth, would be not the providence of a man, but the distempered instinct of a jackdaw.

The truly melancholy part of the policy of systematically making a nation of gamblers is this; that though all are forced to play, few can understand the game; and fewer still are in a condition to avail themselves of the knowledge. The many must be the dupes of the few who conduct the machine of these speculations. What effect it must have on the country-people is visible. The townsman can calculate from day to day: not so the inhabitant of the country. When the peasant first brings his corn to market, the magistrate in
 the

Mr. Burke. the towns obliges him to take the assignat at par; when he goes to the shop with this money, he finds it seven per cent. the worse for crossing the way: This market he will not readily resort to again. The towns-people will be inflamed! they will force the country people to bring their corn. Resistance will begin, and the murders of Paris and St. Dennis may be renewed through all France.

What signifies the empty compliment paid to the country by giving it perhaps more than its share in the theory of your representation? Where have you placed the real power over monied and landed circulation? Where have you placed the means of raising and falling the value of every man's freehold? Those whose operations can take from, or add ten per cent. to, the possessions of every man in France, must be the masters of every man in France. The whole of the power obtained by this revolution will settle in the towns among the burghers, and the monied directors who lead them. The landed gentleman, the yeoman, and the peasant have, none of them, habits, or inclinations, or experience, which can lead them to any share in this the sole source of power and influence now left in France. The very nature of a country life, the very nature of landed property, in all the occupations and all the pleasures they afford, render combination and arrangement (the sole way of procuring and exerting influence) in a manner impossible amongst country-people. Combine them by all the art you can, and all the industry, they are
always

always dissolving into individuality. Any thing in the nature of incorporation is almost impracticable amongst them. Hope, fear, alarm, jealousy, the ephemeral tale that does its business and dies in a day, all these things, which are the reins and purs by which leaders check or urge the minds of followers, are not easily employed, or hardly at all, amongst scattered people. They assemble, they arm, they act with the utmost difficulty, and at the greatest charge. Their efforts, if ever they can be commenced, cannot be sustained. They cannot proceed systematically. If the country gentlemen attempt an influence through the mere income of their property, what is it to that of those who have ten times their income to sell, and who can ruin their property by bringing their plunder to meet it at market. If the landed man wishes to mortgage, he falls the value of his land, and raises the value of assignats. He augments the power of his enemy by the very means he must take to contend with him. The country gentleman therefore, the officer by sea and land, the man of liberal views and habits, attached to no profession, will be as completely excluded from the government of his country as if he were legislatively proscribed. It is obvious, that in the towns, all the things which conspire against the country gentleman, combine in favour of the money manager and director. In towns combination is natural. The habits of burghers, their occupations, their diversion, their business, their idleness, continually bring

Mr. Burke.

Mr. Burke. bring them into mutual contact. Their virtues and their vices are sociable; they are always in garrison; and they come embodied and half disciplined into the hands of those who mean to form them for civil, or for military action.

All these considerations leave no doubt on my mind, that if this monster of a constitution can continue, France will be wholly governed by the agitators in corporations, by societies in the towns formed of directors of assignats, and trustees for the sale of church lands, attornies, agents, money-jobbers, speculators, and adventurers, composing an ignoble oligarchy founded on the destruction of the crown, the church, the nobility, and the people. Here end all the deceitful dreams and visions of the equality and rights of men. In "the Serbo-nian bog" of this base oligarchy they are all absorbed, sunk, and lost for ever.

So far as to the first cementing principle.

The second material of cement for their new republic is the superiority of the city of Paris; and this I admit is strongly connected with the other cementing principle of paper circulation and confiscation. It is in this part of the project we must look for the cause of the destruction of all the old bounds of provinces and jurisdictions, ecclesiastical and secular, and the dissolution of all ancient combinations of things, as well as the formation of so many small unconnected republics. The power of the city of Paris is evidently one great spring of all their politics. It is through the
power

power of Paris, now become the centre and focus of jobbing, that the leaders of this faction direct, or rather command the whole legislative and the whole executive government. Every thing therefore must be done which can confirm the authority of that city over the other republics. Paris is compact; she has an enormous strength, wholly disproportioned to the force of any of the square republics; and this strength is collected and condensed within a narrow compass. Paris has a natural and easy connection of its parts, which will not be affected by any scheme of a geometrical constitution, nor does it much signify whether its proportion of representation be more or less, since it has the whole draft of fishes in its dragnet. The other divisions of the kingdom being hackled and torn to pieces, and separated from all their habitual means, and even principles of union, cannot, for some time at least, confederate against her. Nothing was to be left in all the subordinate members, but weakness, disconnection, and confusion. To confirm this part of the plan, the assembly has lately come to a resolution, that no two of their republics shall have the same commander in chief.

Mr. Burke.

To a person who takes a view of the whole, the strength of Paris thus formed, will appear a system of general weakness. It is boasted, that the geometrical policy has been adopted, that all local ideas should be sunk, and that the people should no longer be Gascons, Picards, Bretons, Normans, but French-

men,

Mr. Burke. men, with one country, one heart, and one affectionably. But instead of being all Frenchmen, the greater likelihood is, that the inhabitants of that region will shortly have no country. No man ever was attached by a sense of pride, partiality, or real affection, to a description of square measurement. He never will glory in belonging to the chequer, No. 71, or to any other badge-ticket. We begin our public affections in our families. No cold relation is a zealous citizen. We pass on to our neighbourhoods, and our habitual provincial connections. These are inns and resting-places. Such divisions of our country as have been formed by habit, and not by a sudden jerk of authority, were so many little images of the great country in which the heart found something which it could fill. The love to the whole is not extinguished by this subordinate partiality. Perhaps it is a sort of elemental training to those higher and more large regards, by which alone men come to be affected, as with their own concern, in the prosperity of a kingdom so extensive as that of France. In that general territory itself, as in the old ~~name~~ of provinces, the citizens are interested from old prejudices and unreasoned habits, and not on account of the geometric properties of its figure. The power and pre-eminence of Paris does certainly press down and hold these republics together, as long as it lasts. But, for the reasons I have already given you, I think it cannot last very long.

Passing from the civil creating, and the civil
cementing

cementing principles of this constitution, to the national assembly, which is to appear and act as sovereign, we see a body in its constitution with every possible power, and no possible external controul. We see a body without fundamental laws, without established maxims, without respected rules of proceeding, which nothing can keep firm to any system whatsoever. Their idea of their powers is always taken at the utmost stretch of legislative competency, and their examples for common cases, from the exceptions of the most urgent necessity. The future is to be in most respects like the present assembly; but, by the mode of the new elections and the tendency of the new circulations, it will be purged of the small degree of internal controul existing in a minority chosen originally from various interests, and preserving something of their spirit. If possible, the next assembly must be worse than the present. The present, by destroying and altering every thing, will leave to their successors apparently nothing popular to do. They will be roused by emulation and example to enterprises the boldest and the most absurd. To suppose such an assembly fitting in perfect quietude is ridiculous.

Your all-sufficient legislators, in their hurry to do every thing at once, have forgot one thing that seems essential, and which, I believe, never has been before, in the theory or the practice, omitted by any projector of a republic. They have forgot to constitute a *senate*, or something of that nature and character. Never, before this time, was heard

Mr. Burke.

of a body politic composed of one legislative and active assembly, and its executive officers, without such a council; without something to which foreign states might connect themselves; something to which, in the ordinary detail of government, the people could look up; something which might give a bias and steadiness, and preserve something like consistency in the proceedings of state. Such a body kings generally have as a council. A monarchy may exist without it; but it seems to be in the very essence of a republican government. It holds a sort of middle place between the supreme power exercised by the people, or immediately delegated from them, and the mere executive. Of this there are no traces in your constitution; and in providing nothing of this kind, your Solons and Numas have, as much as in any thing else, discovered a sovereign incapacity.

Let us now turn our eyes to what they have done towards the formation of an EXECUTIVE POWER. For this they have chosen a degraded king. This their first executive officer is to be a machine, without any sort of deliberative discretion in any one act of his function. At best he is but a channel to convey to the national assembly such matter as may import that body to know. If he had been made the exclusive channel, the power would not have been without its importance; though infinitely perilous to those who would choose to exercise it. But public intelligence and statement of facts may pass to the assembly, with
equal

equal authenticity, through any other conveyance. Mr. Burke.
 As to the means, therefore, of giving a direction to measures by the statement of an authorized reporter, this office of intelligence is as nothing.

To consider the French scheme of an *executive officer* in its two natural divisions of *civil* and *political*.—In the first it must be observed, that, according to the new constitution, the higher parts of judicature, in either of its lines, are not in the king. The KING OF FRANCE is not the fountain of justice. The judges, neither the original nor the appellate, are of his nomination. He neither proposes the candidates, nor has a negative on the choice. He is not even the public prosecutor. He serves only as a notary to authenticate the choice made of the judges in the several districts. By his officers he is to execute their sentence. When we look into the true nature of his authority, he appears to be nothing more than a chief of bum-bailiffs, serjeants at mace, catchpoles, jailors, and hangmen. It is impossible to place any thing called royalty in a more degrading point of view. A thousand times better it had been for the dignity of this unhappy prince, that he had nothing at all to do with the administration of justice, deprived as he is of all that is venerable, and all that is consolatory in that function, without power of originating any process; without a power of suspension, mitigation, or pardon. Every thing in justice that is vile and odious is thrown upon him. It was not

Mr. Burke. for nothing that the assembly has been at such pains to remove the stigma from certain offices, when they were resolved to place the person who lately had been their king in a situation but one degree above the executioner, and in an office nearly of the same quality. It is not in nature, that situated as the king of the French now is, he can respect himself, or can be respected by others.

View this new executive officer on the side of his political capacity, as he acts under the orders of the national assembly. To execute laws is a royal office; to execute orders is not to be a king. However, a political executive magistracy, though merely such, is a great trust. It is a trust indeed that has much depending upon its faithful and diligent performance, both in the person presiding in it and in all his subordinates. Means of performing this duty ought to be given by regulation; and dispositions towards it ought to be infused by the circumstances attendant on the trust. It ought to be environed with dignity, authority, and consideration, and it ought to lead to glory. The office of execution is an office of exertion. It is not from impotence we are to expect the tasks of power. What sort of person is a king to command executory service, who has no means whatsoever to reward it? Not in a permanent office; not in a grant of land; no, not in a pension of fifty pounds a year; not in the vainest and most trivial title. In France the king is no more the fountain of honour than he is the fountain of justice. All
rewards,

is, all distinctions are in other hands. Those Mr. Burke.
 serve the king can be actuated by no natural
 e but fear; by a fear of every thing except
 master. His functions of internal coercion
 : odious as those which he exercises in the
 tment of justice. If relief is to be given to
 municipality, the assembly gives it. If troops
 be sent to reduce them to obedience to the
 bly, the king is to execute the order; and
 every occasion he is to be spattered over with
 ood of his people. He has no negative; yet
 me and authority is used to enforce every harsh
 :. Nay, he must concur in the butchery of
 who shall attempt to free him from his im-
 ment, or shew the slightest attachment to his
 or to his ancient authority.

ECUTIVE MAGISTRACY ought to be confi-
 in such a manner, that those who compose it
 d be disposed to love and to venerate those
 they are bound to obey. A purposed neg-
 or, what is worse, a literal but perverse and
 nant obedience, must be the ruin of the wisest
 els. In vain will the law attempt to anticipate
 follow such studied neglects and fraudulent
 ions. To make men act zealously is not in
 ompetence of law. KINGS, even such as are
 so, may and ought to bear the freedom of
 ts that are obnoxious to them. They may
 without derogating from themselves, bear even
 uthority of such persons if it promotes their
 e. Louis the XIIIth mortally hated the

Mr. Burke.

cardinal de Richlieu ; but his support of that minister against his rivals was the source of all the glory of his reign, and the solid foundation of his throne itself. Louis the XIVth, when come to the throne, did not love the cardinal Mazarin ; but for his interest he preserved him in power. When old, he detested Louvois ; but for years, whilst he faithfully served his greatness, he endured his person. When George the II^d took Mr. Pitt, who certainly was not agreeable to him, into his councils, he did nothing which could humble a wise sovereign. But these ministers, who were chosen by affairs, not by affections, acted in the name of, and in trust for, KINGS ; and not as their avowed, constitutional, and ostensible masters. I think it impossible that any KING, when he has recovered his first terrors, can cordially infuse vivacity and vigour into measures which he knows to be dictated by those who he must be persuaded are in the highest degree ill affected to his person. Will any ministers, who serve such a KING with but a decent appearance of respect, cordially obey the orders of those whom but the other day in his name they had committed to the Bastille ? Will they obey the orders of those whom, whilst they were exercising despotic justice upon them, they conceived they were treating with lenity ; and for whom, in a prison, they thought they had provided an asylum ? If you expect such obedience, amongst your other innovations and regenerations, you ought to make a revolution in nature, and provide a new constitu-

tion for the human mind. Otherwise, your supreme government cannot harmonize with its executive system. There are cases in which we cannot take up with names and abstractions. You may call half a dozen leading individuals, whom we have reason to fear and hate, the nation. It makes no other difference, than to make us fear and hate them the more. If it had been thought justifiable and expedient to make such a revolution by such means, and through such persons, as you have made yours, it would have been more wise to have completed the business of the 5th and 6th of October. The new executive officer would then owe his situation to those who are his creators as well as his masters; and he might be bound in interest, in the society of crime, and (if in crimes there could be virtues) in gratitude, to serve those who had promoted him to a place of great lucre and great sensual indulgence; and of something more: for more he must have received from those who certainly would not have limited an aggrandized creature, as they have done a submitting antagonist.

Mr. Burke.

A KING circumstanced as the present, if he is totally stupified by his misfortunes, so as to think it not the necessity, but the premium and privilege of life, to eat and sleep, without any regard to glory, never can be fit for the office. If he feels as men commonly feel, he must be sensible, that an office so circumstanced is one in which he can obtain no fame or reputation. He has no generous interest

Mr. Burke.

that can excite him to action. At best his conduct will be passive and defensive. To inferior people such an office might be matter of honour. But to be raised to it, and to descend to it, are different things, and suggest different sentiments. Does he *really* name the ministers? they will have a sympathy with him. Are they forced upon him? the whole business between them and the nominal KING will be mutual counteraction. In all other countries, the office of ministers of state is of the highest dignity. In France it is full of peril and incapable of glory. Rivals however they will have in their nothingness, whilst shallow ambition exists in the world, or the desire of a miserable salary is an incentive to short-sighted avarice. Those competitors of the ministers are enabled by your constitution to attack them in their vital parts, whilst they have not the means of repelling their charges in any other than the degrading character of culprits. The ministers of state in France are the only persons in that country who are incapable of a share in the national councils. What ministers! What councils! What a nation!—But they are responsible. It is a poor service that is to be had from responsibility. The elevation of mind, to be derived from fear, will never make a nation glorious. Responsibility prevents crimes. It makes all attempts against the laws dangerous. But for a principle of active and zealous service, none but idiots could think of it. Is the conduct of a war to be trusted to a man who may abhor its principle;

who, in every step he may take to render it successful, confirms the power of those by whom he is oppressed? Will foreign states seriously treat with him who has no prerogative of peace or war? No, not so much as in a single vote by himself or his ministers, or by any one whom he can possibly influence. A state of contempt is not a state for a prince: better get rid of him at once.

Mr. Burke.

I know it will be said, that these humours in the court and executive government will continue only through this generation; and that the king has been brought to declare, the dauphin shall be educated in a conformity to his situation. If he is made to conform to his situation, he will have no education at all. His training must be worse even than that of an arbitrary monarch. If he reads,—whether he reads or not, some good or evil genius will tell him his ancestors were kings. Thenceforward his object must be to assert himself, and to avenge his parents. This you will say is not his duty. That may be; but it is nature; and whilst you pique nature against you, you do unwisely to trust to duty. In this futile scheme of polity, the state nurses in its bosom, for the present, a source of weakness, perplexity, counteraction, inefficiency, and decay; and it prepares the means of its final ruin. In short, I see nothing in the executive force (I cannot call it authority) that has even an appearance of vigour, or that has the smallest degree of just correspondence or symmetry, or amicable relation,

Mr. Burke. tion, with the supreme power, either as it now exists, or as it is planned for the future government.

You have settled, by an economy as perverted as the policy, two * establishments of government; one real, one fictitious—both maintained at a vast expence; but the fictitious at, I think, the greatest. Such a machine as the latter is not worth the grease of its wheels. The expence is exorbitant; and neither the show nor the use deserve the tenth part of the charge. Oh! but I don't do justice to the talents of the legislators. I don't allow, as I ought to do, for necessity. Their scheme of executive force was not their choice. This pageant must be kept. The people would not consent to part with it. Right; I understand you. You do, in spite of your grand theories, to which you would have heaven and earth to bend, you do know how to conform yourselves to the nature and circumstances of things. But when you were obliged to conform thus far to circumstances, you ought to have carried your submission farther, and to have made what you were obliged to take, a proper instrument, and useful to its end. That was in your power. For instance, among many others, it was in your power to leave to your KING the right of peace and war. What! to leave to the executive magistrate the most dangerous of all prerogatives? I know none more dangerous; nor any one more

* In reality three, to reckon the provincial republican establishments,

necessary

necessary to be so trusted. I do not say that this
 negative ought to be trusted to your KING, un- Mr. Burke,
 less he enjoyed other auxiliary trusts along with it,
 which he does not now hold. But, if he did
 possess them, hazardous as they are undoubtedly,
 advantages would arise from such a constitution,
 more than compensating the risk. There is no
 other way of keeping the several potentates of Eu-
 rope from intriguing distinctly and personally with
 members of your assembly, from intermeddling
 with all your concerns, and fomenting, in the heart of
 your country, the most pernicious of all factions ;
 divisions in the interest and under the direction of
 foreign powers. From that worst of evils, thank
 God, we are still free. Your skill, if you had any,
 would be well employed to find out indirect cor-
 ruptives and controuls upon this perilous trust. If
 I did not like those which in England we have
 seen, your leaders might have exerted their abili-
 ties in contriving better. If it were necessary to
 multiply the consequences of such an executive
 government as yours, in the management of great
 affairs, I should refer you to the late reports of
 de Montmorin to the national assembly, and all
 other proceedings relative to the differences be-
 tween Great Britain and Spain.

A great deal more might be observed on the
 proper constitution of the executory part of the
 government ;—but fatigue must give bounds
 to the discussion of subjects, which, in themselves,
 have hardly any limits.

It

Mr. Burke.

It would have been prudent, along with the parliaments, to preserve their ancient power of registering, and of remonstrating at least, upon all the decrees of the national assembly, as they did upon those which passed in the time of the monarchy. It would be a means of squaring the occasional decrees of a democracy to some principles of general jurisprudence. The vice of the ancient democracies, and one cause of their ruin, was, that they ruled, as you do, by occasional decrees, *pséphismata*. This practice soon broke in upon the tenour and consistency of the laws; it abated the respect of the people towards them; and totally destroyed them in the end.

Your vesting the power of remonstrance, which, in the time of the monarchy, existed in the parliament of Paris, in your principal executive officer, whom, in spite of common sense, you persevere in calling king, is the height of absurdity. You ought never to suffer remonstrance from him who is to execute. This is to understand neither council nor execution; neither authority nor obedience. The person whom you call king, ought not to have this power, or he ought to have more.

Your present arrangement is strictly judicial. Instead of imitating your monarchy, and seating your judges on a bench of independence, your object is to reduce them to the most blind obedience. As you have changed all things, you have invented new principles of order. You first appoint judges, who, I suppose, are to determine according

according to law, and then you let them know, that, Mr. Burke.
 at some time or other, you intend to give them
 some law by which they are to determine. Any stu-
 dies which they have made (if any they have made)
 are to be useless to them. But to supply these
 studies, they are to be sworn to obey all the rules,
 orders, and instructions, which from time to time
 they are to receive from the national assembly.
 These if they submit to, they leave no ground of
 law to the subject. They become complete, and
 most dangerous instruments in the hands of the go-
 verning power, which, in the midst of a cause, or
 in the prospect of it, may wholly change the rule
 of decision. If these orders of the national as-
 sembly come to be contrary to the will of the people
 who locally choose those judges, such confusion must
 appear as is terrible to think of. For the judges
 lose their place to the local authority; and the
 commands they are sworn to obey come from those
 who have no share in their appointment. In the
 mean time they have the example of the court of
la hâtelet to encourage and guide them in the ex-
 ercise of their functions. That court is to try crimi-
 nals sent to it by the national assembly, or brought
 before it by other courses of delation. They sit
 under a guard, to save their own lives. They know
 not by what law they judge, nor under what autho-
 rity they act, nor by what tenure they hold. It is
 thought that they are sometimes obliged to condemn
 at peril of their lives. This is not perhaps certain,
 nor can it be ascertained; but when they acquit,
we

Mr. Burke. we know, they have seen the persons whom they discharge, with perfect impunity to the actors, hanged at the door of their court.

The assembly indeed promises that they will form a body of law, which shall be short, simple, clear, and so forth. That is, by their short laws, they will leave much to the discretion of the judge; whilst they have exploded the authority of all the learning which could make judicial discretion (a thing perilous at best) deserving the appellation of a *sound* discretion.

It is curious to observe, that the administrative bodies are carefully exempted from the jurisdiction of these new tribunals. That is, those persons are exempted from the power of the laws, who ought to be the most entirely submitted to them. Those who execute public pecuniary trusts, ought of all men to be the most strictly held to their duty. One would have thought, that it must have been among your earliest cares, if you did not mean that those administrative bodies should be real sovereign independant states, to form an awful tribunal, like your late parliaments, or like our king's-bench, where all corporate officers might obtain protection in the legal exercise of their functions, and would find coercion if they trespassed against their legal duty. But the cause of the exemption is plain. These administrative bodies are the great instruments of the present leaders in their progress through democracy to oligarchy. They must therefore be put above the law. It will be said,

said, that the legal tribunals which you have made are unfit to coerce them. They are undoubtedly. Mr. Burke.
 They are unfit for any rational purpose. It will be said too, that the administrative bodies will be accountable to the general assembly. This I fear is talking, without much consideration, of the nature of that assembly, or of these corporations. However, to be subject to the pleasure of that assembly, is not to be subject to law, either for protection or for constraint.

This establishment of judges as yet wants something to its completion. It is to be crowned by a new tribunal. This is to be a grand state judicature; and it is to judge of crimes committed against the nation, that is, against the power of the assembly. It seems as if they had something in their view of the nature of the high court of justice erected in England during the time of the great usurpation. As they have not yet finished this part of the scheme, it is impossible to form a direct judgment upon it. However, if great care is not taken to form it in a spirit very different from that which has guided them in their proceedings relative to state offences, this tribunal, subservient to their inquisition, *the committee of research*, will extinguish the last sparks of liberty in France, and settle the most dreadful and arbitrary tyranny ever known in any nation. If they wish to give to this tribunal any appearance of liberty and justice, they must not evoke from, or send to it, the causes relative to their own members, at their pleasure. They must
 also

Mr. Burke. also remove the seat of that tribunal out of the republic of Paris.

Has more wisdom been displayed in the constitution of your ARMY than what is discoverable in your plan of judicature? The able arrangement of this part is the more difficult, and requires the greater skill and attention, not only as a great concern in itself, but as it is the third cementing principle in the new body of republics, which you call the French nation. Truly it is not easy to divine what that army may become at last. You have voted a very large one, and on good appointments, at least fully equal to your apparent means of payment. But what is the principle of its discipline? or whom is it to obey? You have got the wolf by the ears, and I wish you joy of the happy position in which you have chosen to place yourselves, and in which you are well circumstanced for a free deliberation, relatively to that army, or to any thing else.

The minister and secretary of state for the war department, is M. de la Tour du Pin. This gentleman, like his colleagues in administration, is a most zealous assertor of the revolution, and a sanguine admirer of the new constitution, which originated in that event. His statement of facts, relative to the military of France, is important, not only from his official and personal authority, but because it displays very clearly the actual condition of the army in France, and because it throws light on the principles upon which the assembly proceeds

proceeds in the administration of this critical object. It may enable us to form some judgment how far it may be expedient in this country to imitate the martial policy of France. Mr. Burke.

M. de la Tour du Pin, on the 4th of last June, comes to give an account of the state of his department, as it exists under the auspices of the national assembly. No man knows it so well; no man can express it better. Addressing himself to the national assembly, he says, " His majesty has "*this day* sent me to apprise you of the multiplied disorders of which *every day* he receives " the most distressing intelligence. The army "*(le corps militaire)* threatens to fall into the most " turbulent anarchy. Entire regiments have dared " to violate at once the respect due to the laws, " to the king, to the order established by your " decrees, and to the oaths which they have taken " with the most awful solemnity. Compelled by " my duty to give you information of these excesses, my heart bleeds when I consider who they " are that have committed them. Those, against " whom it is not in my power to withhold the " most grievous complaints, are a part of that " very soldiery which to this day have been so " full of honour and loyalty, and with whom, for " fifty years, I have lived the comrade and the " friend.

" What incomprehensible spirit of delirium and " delusion has all at once led them astray? Whilst " you are indefatigable in establishing uniformity in

Mr. Burke.

“ the empire, and moulding the whole into one co-
 “ herent and consistent body; whilst the French are
 “ taught by you, at once the respect which the
 “ laws owe to the rights of man, and that which
 “ the citizens owe to the laws, the administration
 “ of the army presents nothing but disturbance and
 “ confusion. I see in more than one corps the
 “ bonds of discipline relaxed or broken; the most
 “ unheard-of pretensions avowed directly and with-
 “ out any disguise; the ordinances without force;
 “ the chiefs without authority; the military chest
 “ and the colours carried off; the authority of
 “ the king himself [*risum teneatis*] proudly de-
 “ fied; the officers despised, degraded, threatened,
 “ driven away, and some of them prisoners in the
 “ midst of their corps, dragging on a precarious life
 “ in the bosom of disgust and humiliation. To fill
 “ up the measure of all these horrors, the com-
 “ mandants of places have had their throats cut,
 “ under the eyes, and almost in the arms of their
 “ own soldiers.

“ These evils are great; but they are not the
 “ worst consequences which may be produced by
 “ such military insurrections. Sooner or later they
 “ may menace the nation itself. *The nature of*
 “ *things requires*, that the army should never act
 “ but as *an instrument*. The moment that, erect-
 “ ing itself into a deliberative body, it shall act
 “ according to its own resolutions, the govern-
 “ ment, be it what it may, will immediately degen-
 “ erate into a military democracy; a species of poli-
 “ tical

“ tical monster, which has always ended by de- Mr. Burke.
 “ vouring those who have produced it.

“ After all this, who must not be alarmed
 “ at the irregular consultations, and turbulent
 “ committees, formed in some regiments by the
 “ common soldiers and non-commissioned of-
 “ ficers, without the knowledge, or ~~even~~ in
 “ contempt of the authority of their superiors;
 “ although the presence and concurrence of those
 “ superiors could give no authority to such mon-
 “ strous democratic assemblies [comices].”

It is not necessary to add much to this finished picture : finished as far as its canvas admits ; but, as I apprehend, not taking in the whole of the nature and complexity of the disorders of this military democracy, which, the minister at war truly and wisely observes, wherever it exists, must be the true constitution of the state, by whatever formal appellation it may pass. For, though he informs the assembly, that the more considerable part of the army have not cast off their obedience, but are still attached to their duty, yet those travellers who have seen the corps whose conduct is the best, rather observe in them the absence of mutiny than the existence of discipline.

I cannot help pausing here for a moment, to reflect upon the expressions of surprise which this minister has let fall, relative to the excesses he relates. To him the departure of the troops from their ancient principles of loyalty and honour seems quite inconceivable. Surely those to whom he

Mr. Burke.

addresses himself know the causes of it but too well. They know the doctrines which they have preached, the decrees which they have passed, the practices which they have countenanced. The soldiers remember the 6th of October. They recollect the French guards. They have not forgot the taking of the king's castles in Paris, and at Marseilles. That the governors in both places were murdered with impunity, is a fact that has not passed out of their minds. They do not abandon the principles laid down so ostentatiously and laboriously of the equality of men. They cannot shut their eyes to the degradation of the whole noblesse of France; and the suppression of the very idea of a gentleman. The total abolition of titles and distinctions is not lost upon them. But Mr. du Pin is astonished at their disloyalty when the doctors of the assembly have taught them at the same time the respect due to laws. It is easy to judge which of the two sorts of lessons men with arms in their hands are likely to learn. As to the authority of the king, we may collect from the minister himself (if any argument on that head were not quite superfluous) that it is not of more consideration with these troops, than it is with every body else. "The king," says he, "has over and over again repeated his orders to put a stop to these excesses; but, in so terrible a crisis *your* [the assembly's] concurrence is become indispensably necessary to prevent the evils which menace the state. *You* unite to the force of the legislative power, *that* of

of opinion still more important." To be sure Mr. Burke.
 the army can have no opinion of the power or
 authority of the king. Perhaps the soldier has
 by this time learned, that the assembly itself does
 not enjoy a much greater degree of liberty than
 that royal figure.

It is now to be seen what has been proposed in
 this exigency, one of the greatest that can happen
 in a state. The minister requests the assembly
 to array itself in all its terrors, and to call forth
 all its majesty. He desires that the grave and se-
 vere principles announced by them may give vi-
 gour to the king's proclamation. After this we
 should have looked for courts civil and martial;
 breaking of some corps, decimating others, and
 all the terrible means which necessity has employed
 in such cases to arrest the progress of the most terri-
 ble of all evils; particularly, one might expect, that
 a serious enquiry would be made into the murder of
 commandants in the view of their soldiers. Not one
 word of all this, or of any thing like it. After they
 had been told that the soldiery trampled upon the
 decrees of the assembly promulgated by the king,
 the assembly pass new decrees; and they authorise
 the king to make new proclamations. After the
 secretary at war had stated that the regiments had
 paid no regard to oaths *prêtés avec la plus impor-
 tante solennité*—they propose—what? More oaths.
 They renew decrees and proclamations as they ex-
 perience their insufficiency, and they multiply oaths

Mr Burke. in proportion as they weaken, in the minds of men, the sanctions of religion. I hope that handy abridgments of the excellent sermons of Voltaire, d'Alembert, Diderot, and Helvetius, on the Immortality of the Soul, on a particular superintending Providence, and on a future state of rewards and punishments, are sent down to the soldiers along with their civic oaths. Of this I have no doubt; as I understand that a certain description of reading makes no inconsiderable part of their military exercises, and that they are full as well supplied with the ammunition of pamphlets, as of cartridges.

To prevent the mischiefs arising from conspiracies, irregular consultations, seditious committees, and monstrous democratic assemblies [*'comitia, comices'*] of the soldiers, and all the disorders arising from idleness, luxury, dissipation, and insubordination, I believe the most astonishing means have been used, that ever occurred to men, even in all the inventions of this prolific age. It is no less than this:—The king has promulgated in circular letters to all the regiments his direct authority and encouragement, that the several corps should join themselves with the clubs and confederations in the several municipalities, and mix with them in their feasts and civic entertainments! This jolly discipline, it seems, is to soften the ferocity of their minds; to reconcile them to their bottle companions of other descriptions; and to merge particular
 particular

ticular conspiracies in more general associations *. Mr. Burke.

That this remedy would be pleasing to the soldiers, as they are described by Mr. de la Tour du Pin, I can readily believe ; and that, however mutinous otherwise, they will dutifully submit themselves to *these* royal proclamations. But I should question whether all this civic swearing, clubbing, and feasting, would dispose them more than at present they are disposed, to an obedience to their officers ; or teach them better to submit to the austere rules of military discipline. It will make them admirable citizens after the French mode, but not quite so good soldiers after any mode. A doubt might well arise, whether the conversations at these good tables, would fit them a great deal the better for the character of *mere instruments*, which this veteran officer and statesman justly observes, the nature of things always requires an army to be.

Concerning the likelihood of this improvement in discipline, by the free conversation of the soldiers with the municipal festive societies, which is thus officially encouraged by royal authority and sanction, we may judge by the state of the mu-

* Comme sa majesté y a reconnu, non une système d'associations particulières, mais une réunion de volontés de tous les François pour la liberté et la prospérité communes, ainsi pour le maintien de l'ordre public, il a pensé qu'il convenoit que chaque regiment prit part à ces fêtes civiques pour multiplier les rapports, et referrer les liens d'union entre les citoyens et les troupes.—Left I should not be credited, I insert the words, authorizing the troops to feast with the popular confederacies.

Mr. Burke.

municipalities themselves, furnished to us by the war minister in this very speech. He conceives good hopes of the success of his endeavours towards restoring order *for the present* from the good disposition of certain regiments; but he finds something cloudy with regard to the future. As to preventing the return of confusion, "For this, the administration (says he) cannot be answerable to you, as long as they see the municipalities arrogate to themselves an authority over the troops, which your institutions have reserved wholly to the monarch. You have fixed the limits of the military authority and the municipal authority. You have bounded the action, which you have permitted to the latter over the former, to the right of requisition; but never did the letter or the spirit of your decrees authorise the commons in these municipalities to break the officers, to try them, to give orders to the soldiers, to drive them from the posts committed to their guard, to stop them in their marches ordered by the king, or, in a word, to enslave the troops to the caprice of each of the cities or even market towns through which they are to pass,"

Such is the character and disposition of the municipal society which is to reclaim the soldiery, to bring them back to the true principles of military subordination, and to render them machines in the hands of the supreme power of the country! Such are the distempers of the French troops! Such is their cure! As the army is, so is the navy. The
municipi-

municipalities supersede the orders of the assembly, and the seamen in their turn supersede the orders of the municipalities. From my heart I pity the condition of a respectable servant of the public, like this war minister, obliged in his old age to pledge the assembly in their civic cups, and to enter with an hoary head into all the fantastic vagaries of these juvenile politicians. Such schemes are not like propositions coming from a man of fifty years wear and tear amongst mankind. They seem rather such as ought to be expected from those grand compounders in politics, who shorten the road to their degrees in the state; and have a certain inward fanatical assurance and illumination upon all subjects; upon the credit of which one of their doctors has thought fit, with great applause, and greater success, to caution the assembly not to attend to old men, or to any persons who valued themselves upon their experience. I suppose all the ministers of state must qualify, and take this test; wholly abjuring the errors and heresies of experience and observation. Every man has his own relish. But I think, if I could not attain to the wisdom, I would at least preserve something of the stiff and peremptory dignity of age. These gentlemen deal in regeneration; but at any price I should hardly yield my rigid fibres to be regenerated by them; nor begin, in my grand climacteric, to squall in their new accents, or to stammer, in my second cradle, the elemental
sounds

Mr. Burke.

Mr. Burke. sounds of their barbarous metaphysics *. *Si isti mihi largiantur ut repueriscam, et in eorum cunis vagiam, valde recusem !*

The imbecility of any part of the puerile and pedantic system, which they call a constitution, cannot be laid open without discovering the utter insufficiency and mischief of every other part with which it comes in contact, or that bears any the remotest relation to it. You cannot propose a remedy for the incompetence of the crown, without displaying the debility of the assembly. You cannot deliberate on the confusion of the army of the state, without disclosing the worse disorders of the armed municipalities. The military lays open the civil, and the civil betrays the military anarchy. I wish every body carefully to peruse the eloquent speech (such it is) of M. de la Tour du Pin. He attributes the salvation of the municipalities to the good behaviour of some of the troops. These troops are to preserve the well-disposed part of those municipalities which is confessed to be the weakest, from the pillage of the worst disposed, which is the strongest. But the municipalities affect a sovereignty, and will command those troops which are necessary for their protection. Indeed they must command them or court them. The municipalities, by the necessity of their situation, and by the republican powers they have obtained, must, with relation to the mili-

* This war-minister has since quitted the school, and resigned his office.

be the masters, or the servants, or the confederates, or each successively ; or they must make a use of all together, according to circumstances. If the government is there to coerce the army but not the municipality, or the municipality but the army. To preserve concord where authority is exhausted, at the hazard of all consequences, the government nobly attempts to cure the distempers by the distempers themselves ; and they hope to preserve themselves from a purely military democracy, by giving it a debauched interest in the municipal. If the soldiers once come to mix for any time in municipal clubs, cabals, and confederacies, an irresistible attraction will draw them to the lowest and most desperate part. With them will be their habits, affections, and sympathies. The military confederacies, which are to be remedied by civic confederacies ; the rebellious municipalities, which are to be rendered obedient by furnishing them with the means of seducing the very armies of the state that are to keep them in order ; all these chimeras of monstrous and portentous policy, must aggravate the confusions from which they have arisen. There must be blood. The want of common judgment manifested in the construction of all their descriptions of forces, and in all their kinds of civil and judicial authorities, will make it flow. Disorders may be quieted in one time and in one part. They will break out in others ; because the evil is radical and intrinsic. All these schemes of mixing mutinous soldiers with seditious citizens, must

Mr. Burke.

Mr. Burke.

must weaken still more and more the military connection of soldiers with their officers, as well as add military and mutinous audacity to turbulent artificers and peasants. To secure a real army, the officer should be first and last in the eye of the soldier; first and last in his attention, observance, and esteem. Officers it seems there are to be, whose chief qualification must be temper and patience. They are to manage their troops by electioneering arts. They must bear themselves as candidates, not as commanders. But as by such means power may be occasionally in their hands, the authority by which they are to be nominated becomes of high importance.

What you may do finally, does not appear; nor is it of much moment, whilst the strange and contradictory relation between your army and all the parts of your republic, as well as the puzzled relation of those parts to each other and to the whole, remain as they are. You seem to have given the provisional nomination of the officers, in the first instance, to the king, with a reserve of approbation by the national assembly. Men who have an interest to pursue are extremely sagacious in discovering the true seat of power. They must soon perceive that those who can negative indefinitely, in reality appoint. The officers must therefore look to their intrigues in that assembly, as the sole certain road to promotion. Still, however, by your new constitution they must begin their solicitation at court. This double negotiation for military

litary rank seems to me a contrivance as well adapted, as if it were studied for no other end, to promote faction in the assembly itself relative to this vast military patronage; and then to poison the corps of officers with factions of a nature still more dangerous to the safety of government, upon any bottom on which it can be placed, and destructive in the end to the efficiency of the army itself. Those officers, who lose the promotions intended for them by the crown, must become of a faction opposite to that of the assembly which has rejected their claims, and must nourish discontents in the heart of the army against the ruling powers. Those officers, on the other hand, who, by carrying their point through an interest in the assembly, feel themselves to be at best only second in the good-will of the crown, though first in that of the assembly, must flight an authority which would not advance, and could not retard their promotion. If to avoid these evils you will have no other rule for command or promotion than seniority, you will have an army of formality; at the same time it will become more independent, and more of a military republic. Not they, but the king is the machine. A king is not to be deposed by halves. If he is not every thing in the command of an army, he is nothing. What is the effect of a power placed nominally at the head of the army, who to that army is no object of gratitude, or of fear? Such a cypher is not fit for the administration of an object, of all things

Mr. Burke.

Mr. Burke. things the most delicate, the supreme command of military men. They must be constrained (and their inclinations lead them to what their necessities require) by a real, vigorous, effective, decided personal authority. The authority of the assembly itself suffers by passing through such a debilitating channel as they have chosen. The army will not long look to an assembly acting through the organ of false show, and palpable imposition. They will not seriously yield obedience to a prisoner. They will either despise a pageant, or they will pity a captive king. This relation of your army to the crown will, if I am not greatly mistaken, become a serious dilemma in your politics.

It is besides to be considered, whether an assembly like yours, even supposing that it was in possession of another sort of organ through which its orders were to pass, is fit for promoting the obedience and discipline of an army. It is known, that armies have hitherto yielded a very precarious and uncertain obedience to any senate, or popular authority; and they will least of all yield it to an assembly which is to have only a continuance of two years. The officers must totally lose the characteristic disposition of military men, if they see with perfect submission and due admiration the dominion of pleaders; especially when they find that they have a new court to pay to an endless succession of those pleaders, whose military policy and the genius of whose command (if they should have any) must
be

be as uncertain as their duration is transient. In Mr. Burke,
 the weakness of one kind of authority, and in
 the fluctuation of all, the officers of an army will
 remain for some time mutinous and full of fac-
 tion, until some popular general, who understands
 the art of conciliating the soldiery, and who possesses
 the true spirit of command, shall draw the eyes of
 all men upon himself. Armies will obey him on
 his personal account. There is no other way of
 securing military obedience in this state of things.
 But the moment in which that event shall happen,
 the person who really commands the army is your
 master; the master (that is little) of your king,
 the master of your assembly, the master of your
 whole republic.

How came the assembly by their present power
 over the army? Chiefly, to be sure, by debauch-
 ing the soldiers from their officers. They have
 begun by a most terrible operation. They have
 touched the central point, about which the par-
 ticles that compose armies are at repose. They have
 destroyed the principle of obedience in the great
 essential critical link between the officer and the
 soldier, just where the chain of military subordina-
 tion commences, and on which the whole of that
 system depends. The soldier is told he is a ci-
 tizen, and has the rights of man and citizen.
 The right of a man, he is told, is to be his own go-
 vernor, and to be ruled only by those to whom
 he delegates that self-government. It is very na-
 tural he should think, that he ought most of all to

Mr. Burke. have his choice where he is to yield the greatest degree of obedience. He will therefore, in all probability, systematically do, what he does at present occasionally; that is, he will exercise at least a negative in the choice of his officers. At present the officers are known at best to be only permissive, and on their good behaviour. In fact, there have been many instances in which they have been cashiered by their corps. Here is a second negative on the choice of the king; a negative as effectual at least as the other of the assembly. The soldiers know already that it has been a question, not ill received in the national assembly, whether they ought not to have the direct choice of their officers, or some proportion of them? When such matters are in deliberation, it is no extravagant supposition that they will incline to the opinion most favourable to their pretensions. They will not bear to be deemed the army of an imprisoned king, whilst another army in the same country, with whom too they are to feast and confederate, is to be considered as the free army of a free constitution. They will cast their eyes on the other and more permanent army; I mean the municipal. That corps, they well know, does actually elect its own officers. They may not be able to discern the grounds of distinction on which they are not to elect a marquis de la Fayette (or what is his new name?) of their own. If this election of a commander in chief be a part of the rights of men, why not of theirs? They see elective justices of peace, elective judges,

Judges, elective curates, elective bishops, elective municipalities, and elective commanders of the Parisian army.—Why should they alone be excluded? Are the brave troops of France the only men in that nation who are not the fit judges of military merit, and of the qualifications necessary for a commander in chief? Are they paid by the state, and do they therefore lose the rights of men? They are a part of that nation themselves, and contribute to that pay. And is not the king, is not the national assembly, and are not all who elect the national assembly, likewise paid? Instead of seeing all these forfeit their rights by their receiving a salary, they perceive that in all these cases a salary is given for the exercise of those rights. All your resolutions, all your proceedings, all your debates, all the works of your doctors in religion and politics, have industriously been put into their hands; and you expect that they will apply to their own case, just as much of your doctrines and examples as suits your pleasure.

Mr. Burke.

Every thing depends upon the army in such a government as yours; for you have industriously destroyed all the opinions and prejudices, and, as far as in you lay, all the instincts which support government. Therefore, the moment any difference arises between your national assembly and any part of the nation, you must have recourse to force. Nothing else is left to you; or rather you have left nothing else to yourselves. You see by the report of your war minister, that the distribution

D d

of

Mr. Burke.

of the army is in a great measure made with a view of internal coercion *. You must rule by an army ; and you have infused into that army by which you rule, as well as into the whole body of the nation, principles which after a time must disable you in the use you resolve to make of it. The king is to call out troops to act against his people, when the world has been told, and the assertion is still ringing in our ears, that troops ought not to fire on citizens. The colonies assert to themselves, an independent constitution, and a free trade. They must be constrained by troops. In what chapter of your code of the rights of men are they able to read, that it is a part of the rights of men to have their commerce monopolized and restrained for the benefit of others ? As the colonists rise on you, the negroes rise on them. Troops again—Massacre, torture, hanging ! These are your rights of men ! These are the fruits of metaphysic declarations, wantonly made, and shamefully retracted ! It was but the other day that the farmers of land in one of your provinces refused to pay some sorts of rents to the lord of the soil. In consequence of this you decree, that the country-people shall pay all rents and dues, except those which as grievances you have abolished ; and if they refuse, then you order the king to march troops against them. You lay down metaphysic propositions, which infer uni-

* *Courier François*, 30 July 1790. *Assemblée nationale*, Numero 210.

verfal consequences; and then you attempt to limit logic by defpotifm. The leaders of the prefent fyftem tell them of their rights, as men, to take fortrefles, to murder guards, to feize on kings without the leaft appearance of authority even from the affembly, whilft, as the fovereign legiflative body, that affembly was fitting in the name of the nation—and yet thefe leaders prefume to order out the troops, which have acted in thefe very diforders, to coerce thofe who fhall judge on the principles, and follow the examples which have been guarantied by their own approbation.

Mr. Burke.

The leaders teach the people to abhor and reject all feodality, as the barbarifm of tyranny; and they tell them afterwards, how much of that barbarous tyranny they are to bear with patience. As they are prodigal of light with regard to grievances, fo the people find them fparing in the extreme with regard to redrefs. They know that not only certain quit-rents and perfonal duties, which you have permitted them to redeem (but have furnifhed no money for the redemption), are as nothing to thofe burthens for which you have made no provision at all. They know, that almoft the whole fyftem of landed property, in its origin, is feudal; that it is the diftribution of the poffeffions of the original proprietors, made by a barbarous conqueror to his barbarous inftruments; and that the moft grievous effects of the conqueft, are the land-rents of every kind, as without queftion they are.

The ground of fome of thefe arguments is

D d 2

horrid

Mr. Burke. horrid and ridiculous to all rational ears; but to the politicians of metaphysics, who have opened schools for sophistry, and made establishments for anarchy, it is solid and conclusive. It is obvious, that on a mere consideration of the right, the leaders in the assembly would not in the least have scrupled to abrogate the rents, along with the titles and family-ensigns. It would be only to follow up the principle of their reasonings, and to complete the analogy of their conduct. But they had newly possessed themselves of a great body of landed property, by confiscation. They had this commodity at market; and the market would have been wholly destroyed, if they were to permit the husbandmen to riot in the speculations with which they so freely intoxicated themselves. The only security which property enjoys in any one of its descriptions, is from the interests of their rapacity with regard to some other. They have left nothing but their own arbitrary pleasure, to determine what property is to be protected, and what subverted.

Neither have they left any principle by which any of their municipalities can be bound to obedience, or even conscientiously obliged not to separate from the whole, to become independent, or to connect itself with some other state. The people of Lyons, it seems, have refused lately to pay taxes. Why should they not? what lawful authority is there left to exact them? The king imposed some of them. The old states, metho-
dised

dified by orders, settled the more ancient.- They Mr. Burke
 may say to the assembly, Who are you, that are
 not our kings, nor the states we have elected, nor
 sit on the principles on which we have elected you ?
 And who are we, that when we see the gabelles
 which you have ordered to be paid, wholly shaken
 off, when we see the act of disobedience afterwards
 ratified by yourselves, who are we, that we are
 not to judge what taxes we ought or ought not
 to pay, and who are not to avail ourselves of the
 same powers, the validity of which you have ap-
 proved in others ? To this the answer is, We will
 send troops. The last reason of kings, is always
 the first with your assembly. This military aid may
 serve for a time, whilst the impression of the in-
 crease of pay remains, and the vanity of being
 umpires in all disputes is flattered. But this
 weapon will snap short, unfaithful to the hand that
 employs it. The assembly keep a school, where,
 systematically, and with unremitting perseverance,
 they teach principles, and form regulations destruc-
 tive to all spirit of subordination civil and mili-
 tary—and then they expect that they shall hold
 in obedience an anarchic people by an anarchic
 army.

The municipal army, which, according to their
 new policy, is to balance this national army, if con-
 sidered in itself only, is of a constitution much more
 simple, and in every respect less exceptionable. It
 is a mere democratic body, unconnected with the
 crown or the kingdom ; armed, and trained, and

Mr. Burke. officered at the pleasure of the districts to which the corps severally belong; and the personal service of the individuals who compose, or the fine in lieu of personal service, are directed by the same authority. Nothing is more uniform. If, however, considered in any relation to the crown, to the national assembly, to the public tribunals, or to the other army, or considered in a view to any coherence or connection between its parts, it seems a monster, and can hardly fail to terminate its perplexed movements in some great national calamity. It is a worse preservative of a general constitution, than the systasis of Crete, or the confederation of Poland, or any other ill-devised corrective which has yet been imagined in the necessities produced by an ill-constructed system of government.

Having concluded my few remarks on the constitution of the *supreme power*, the *executive*, the *judicature*, the *military*, and on the *reciprocal relation of all these establishments*, I shall say something of the ability shewed by your legislators with regard to the *revenue*.

In their proceedings relative to this object, if possible, still fewer traces appear of political judgment or financial resource. When the states met, it seemed to be the great object, to improve the system of revenue, to enlarge its collection, to cleanse it of oppression and vexation, and to establish it on the most solid footing. It was by this grand arrangement that France was to stand or fall; and this became, in my opinion, very properly, the
rest

test by which the skill and patriotism of those who ruled in that assembly would be tried. The revenue of the state, is the state. In effect all depends upon it, whether for support or for reformation. The dignity of every occupation wholly depends upon the quantity and the kind of virtue that may be exerted in it. As all great qualities of the mind which operate in public, and are not merely suffering and passive, require force for their display, I had almost said for their unequivocal existence, the revenue, which is the spring of all power, becomes in its administration the sphere of every active virtue. Public virtue, being of a nature magnificent and splendid, instituted for great things, and conversant about great concerns, requires abundant scope and room, and cannot spread and grow under confinement, and in circumstances straitened, narrow, and sordid. Through the revenue alone, the body-politic can act in its true genius and character; and therefore it will display just as much of its collective virtue, and as much of that virtue which may characterise those who move it, and are, as it were, its life and guiding principle, as it is possessed of a just revenue. For from hence, not only magnanimity, and liberality, and beneficence, and fortitude, and providence, and the tutelary protection of all good arts, derive their food, and the growth of their organs; but continence, and self-denial, and labour, and vigilance, and frugality, and whatever else there is in which the mind shews itself above the appetite,

Mr. Burke,

Mr. Burke. are nowhere more in their proper element, than in the provision and distribution of the public wealth. It is therefore not without reason that the science of speculative and practical finance, which must take to its aid so many auxiliary branches of knowledge, stands high in the estimation, not only of the ordinary sort, but of the wisest and best men; and as this science has grown with the progress of its object, the prosperity and improvement of nations has generally increased with the increase of their revenues; and they will both continue to grow and flourish, as long as the balance between what is left to strengthen the efforts of individuals, and what is collected for the common efforts of the state, bear to each other a due reciprocal proportion, and are kept in a close correspondence and communication. And perhaps it may be owing to the greatness of revenues, and to the urgency of state necessities, that old abuses in the constitution of finances are discovered, and their true nature and rational theory come to be more perfectly understood; insomuch that a smaller revenue might have been more distressing in one period, than a far greater is found to be in another, the proportionate wealth even remaining the same. In this state of things, the French assembly found something in their revenues to preserve, to secure, and wisely to administer, as well as to abrogate and alter. Though their proud assumption might justify the severest tests, yet, in trying their abilities on their financial proceedings,

edings, I would only consider what is the plain Mr Burke,
 obvious duty of a common finance minister, and
 lay them upon that, and not upon models of ideal
 perfection.

The objects of a financier are, then, to secure an ample revenue; to impose it with judgment and equality; to employ it economically; and when necessity obliges him to make use of credit, to secure its foundations in that instance, and for ever, by the clearness and candour of his proceedings, the exactness of his calculations, and the solidity of his funds. On these heads we may take a short and distinct view of the merits and abilities of those in the national assembly, who have taken to themselves the management of this arduous concern. Far from any increase of revenue in their hand, I find, by a report of M. Vernier, from the committee of finances, of the second of August last, that the amount of the national revenue, as compared with its produce before the revolution, was diminished by the sum of two hundred millions, or *eight millions sterling* of the annual income, considerably more than one third of the whole!

If this be the result of great abilities, never surely was ability displayed in a more distinguished manner, or with so powerful an effect. No commonly, no vulgar incapacity, no ordinary official negligence, even no official crime, no corruption, no speculation, hardly any direct hostility which we have seen in the modern world, could in so short a time have made so complete an overthrow of the
finances,

Mr. Burke. finances, and, with them, of the strength of a great kingdom.—*Cedd qui vestram rempublicam tantam an-
fistis tam cito?*

The sophisters and declaimers, as soon as the assembly met, began with decrying the ancient constitution of the revenue, in many of its most essential branches, such as the public monopoly of salt. They charged it, as truly as unwisely, with being ill-contrived, oppressive, and partial. This representation they were not satisfied to make use of in speeches preliminary to some plan of reform; they declared it in a solemn resolution or public sentence, as it were judiciously, passed upon it; and this they dispersed throughout the nation. At the time they passed the decree, with the same gravity they ordered this same absurd, oppressive, and partial tax to be paid, until they could find a revenue to replace it. The consequence was inevitable. The provinces which had been always exempted from this salt monopoly, some of whom were charged with other contributions, perhaps equivalent, were totally disinclined to bear any part of the burthen, which by an equal distribution was to redeem the others. As to the assembly, occupied as it was with the declaration and violation of the rights of men, and with their arrangements for general confusion, it had neither leisure nor capacity to contrive, nor authority to enforce any plan of any kind relative to the replacing the tax, or equalizing it, or compensating the provinces, or for conducting their minds to any scheme

scheme of accommodation with the other districts Mr. Barker, which were to be relieved.

The people of the salt provinces, impatient under taxes damned by the authority which had directed their payment, very soon found their patience exhausted. They thought themselves as skilful in demolishing as the assembly could be. They relieved themselves, by throwing off the whole burthen. Animated by this example, each district, or part of a district, judging of its own grievance by its own feeling, and of its remedy by its own opinion, did as it pleased with other taxes.

We are next to see how they have conducted themselves in contriving equal impositions, proportioned to the means of the citizens, and the least likely to lean heavy on the active capital employed in the generation of that private wealth from whence the public fortune must be derived. By suffering the several districts, and several of the individuals in each district, to judge of what part of the old revenue they might withhold, instead of better principles of equality, a new inequality was introduced, of the most oppressive kind. Payments were regulated by dispositions. The parts of the kingdom which were the most submissive, the most orderly, or the most affectionate to the commonwealth, bore the whole burthen of the state. Nothing turns out to be so oppressive and unjust as a feeble government. To fill up all the deficiencies in the old impositions, and the new deficiencies of every kind which were to be expected, what remained

Mr. Burke. remained to a state without authority? The national assembly called for a voluntary benevolence; for a fourth part of the income of all the citizens, to be estimated on the honour of those who were to pay. They obtained something more than could be rationally calculated, but what was far, indeed, from answerable to their real necessities, and much less to their fond expectations. Rational people could have hoped for little from this their tax, in the disguise of a benevolence; a tax weak, ineffective, and unequal; a tax by which luxury, avarice and selfishness were screened, and the load thrown upon productive capital, upon integrity, generosity, and public spirit—a tax of regulation upon virtue. At length the mask is thrown off, and they are now trying means (with little success) of exacting their benevolence by force.

This benevolence, the ricketty offspring of weakness, was to be supported by another resource, the twin brother of the same prolific imbecility. The patriotic donations were to make good the failure of the patriotic contribution. By this scheme they took things of much price from the giver, comparatively of small value to the receiver; they ruined several trades; they pillaged the crown of its ornaments, the churches of their plate, and the people of their personal decorations. The invention of these juvenile pretenders to liberty, was in reality nothing more than a servile imitation of one of the poorest resources of doting despotism. They took an old huge full-bottomed
 perriwig

perriwig out of the wardrobe of the antiquated frippery of Louis XIV. to cover the premature baldness of the national assembly. They produced this old-fashioned formal folly, though it had been so abundantly exposed in the Memoirs of the duke de St. Simon, if to reasonable men it had wanted any arguments to display its mischief and insufficiency. A device of the same kind was tried in my memory, by Louis XV.; but it answered at no time. However, the necessities of ruinous wars were some excuse for desperate projects. The deliberations of calamity are rarely wise. But here was a season for disposition and providence. It was in a time of profound peace, then enjoyed for five years, and promising a much longer continuance, that they had recourse to this desperate trifling. They were sure to lose more reputation by sporting, in their serious situation, with these toys and playthings of finance, which have filled half their journals, than could possibly be compensated by the poor temporary supply which they afforded. It seemed as if those who adopted such projects, were wholly ignorant of their circumstances, or wholly unequal to their necessities. Whatever virtue may be in these devices, it is obvious, that neither the patriotic gifts, nor the patriotic contribution, can ever be resorted to again. The resources of public folly are soon exhausted. The whole indeed of their scheme of revenue is to make, by any artifice, an appearance of a full reservoir for the hour, whilst at the
same

Mr. Burke.

Mr. Burke.

same time they cut off the springs and living fountains of perennial supply. The account not long since furnished by Mr. Necker was meant, without question, to be favourable. He gives a flattering view of the means of getting through the year; but he expresses, as it is natural he should, some apprehension for that which was to succeed. On this last prognostic, instead of entering into the grounds of this apprehension, in order, by a proper foresight, to prevent the prognosticated evil, Mr. Necker receives a sort of friendly reprimand from the president of the assembly.

As to their other schemes of taxation, it is impossible to say any thing of them with certainty, because they have not yet had their operation; but nobody is so sanguine as to imagine they will fill up any perceptible part of the wide gaping breach which their incapacity has made in their revenues. At present, the state of their treasury sinks every day more and more in cash, and swells more and more in fictitious representation. When so little within or without is now found but paper, the representative not of opulence but of want, the creature not of credit but of power, they imagine that our flourishing state in England is owing to that bank-paper, and not the bank-paper to the flourishing condition of our commerce, to the solidity of our credit, and to the total exclusion of all idea of power from any part of the transaction. They forget that, in England, not one shilling of paper-money of any description is received but of choice; that the whole

ad its origin in cash actually deposited; and it is convertible, at pleasure, in an instant, and out the smallest loss, into cash again. Our paper is of value in commerce, because in law it is of . It is powerful on Change, because in Westminster-hall it is impotent. In payment of a debt enty shillings, a creditor may refuse all the paper of the bank of England. Nor is there amongst single public security, of any quality or nature soever, that is enforced by authority. In fact might be easily shewn, that our paper wealth, and of lessening the real coin, has a tendency to increase it; instead of being a substitute for money, it only facilitates its entry, its exit, and its circulation; that it is the symbol of prosperity, not the badge of distress. Never was a scarcity of money, and an exuberance of paper, a subject of complaint in this nation.

Mr. Burke.

Well! but a lessening of prodigal expences, and economy which has been introduced by the wise and sapient assembly, makes amends for losses sustained in the receipt of revenue. In at least they have fulfilled the duty of a finan-

Have those who say so, looked at the expenses of the national assembly itself? of the municipalities of the city of Paris? of the increased pay for two armies? of the new police? of the new institutions? Have they even carefully compared present pension-list with the former? These politicians have been cruel, not economical. Comparing the expences of the former prodigal government,

Mr. Burke. ment, and its relation to the then revenues, with the expences of this new system, as opposed to the state of its new treasury, I believe the present will be found beyond all comparison more chargeable.

It remains only to consider the proofs of financial ability, furnished by the present French managers when they are to raise supplies on credit. Here I am a little at a stand ; for credit, properly speaking, they have none. The credit of the ancient government was not indeed the best : but they could always, on some terms, command money, not only at home, but from most of the countries of Europe, where a surplus capital was accumulated; and the credit of that government was improving daily. The establishment of a system of liberty would of course be supposed to give it new

* The reader will observe, that I have but lightly touched (my plan demanded nothing more) on the condition of the French finances, as connected with the demands upon them. If I had intended to do otherwise, the materials in my hands for such a task are not altogether perfect. On this subject I refer the reader to M. de Calonne's work ; and the tremendous display that he has made of the havock and devastation in the public estate, and in all the affairs of France, caused by the presumptuous good intentions of ignorance and incapacity. Such effects, those causes will always produce. Looking over that account with a pretty strict eye, and, with perhaps too much rigour, deducting every thing which may be placed to the account of a financier out of place, who might be supposed by his enemies desirous of making the most of his cause, I believe it will be found, that a more salutary lesson of caution against the daring spirit of innovators, than what has been supplied at the expence of France, ~~was~~ was at any time furnished to mankind.

strength ;

strength ; and so it would actually have done, if a Mr. Burke.
 system of liberty had been established. What offers
 has their government of pretended liberty had from
 Holland, from Hamburgh, from Switzerland, from
 Genoa, from England, for a dealing in their paper ?
 Why should these nations of commerce and econo-
 my enter into any pecuniary dealings with a people
 who attempt to reverse the very nature of things ;
 amongst whom they see the debtor prescribing, at
 the point of the bayonet, the medium of his solven-
 cy to the creditor ; discharging one of his engage-
 ments with another ; turning his very penury into
 his resource ; and paying his interest with his
 rags ?

Their fanatical confidence in the omnipotence of
 church plunder, has induced these philosophers to
 overlook all care of the public estate, just as the
 dream of the philosopher's stone induces dupes,
 under the more plausible delusion of the hermetic
 art, to neglect all rational means of improving
 their fortunes. With these philosophic financiers,
 this universal medicine made of church mummy
 is to cure all the evils of the state. These gentle-
 men perhaps do not believe a great deal in the
 miracles of piety ; but it cannot be questioned,
 that they have an undoubting faith in the prodigies
 of sacrilege. Is there a debt which presses them—
 Issue *assignats*.—Are compensations to be made,
 or a maintenance decreed to those whom they
 have robbed of their freehold in their office, or
 expelled from their profession—*Assignats*. Is a fleet

Mr. Burke. to be fitted out—*Assignats*. If sixteen millions sterling of these *assignats*, forced on the people, leave the wants of the state as urgent as ever—issue, says one, thirty millions sterling of *assignats*—says another, issue fourscore millions more of *assignats*. The only difference among their financial factions is on the greater or the lesser quantity of *assignats* to be imposed on the public sufferance. They are all professors of *assignats*. Even those, whose natural good sense and knowledge of commerce, not obliterated by philosophy, furnish decisive arguments against this delusion, conclude their arguments, by proposing the emission of *assignats*. I suppose they must talk of *assignats*, as no other language would be understood. All experience of their inefficacy does not in the least discourage them. Are the old *assignats* depreciated at market? What is the remedy? Issue new *assignats*.—*Mais si maladie, opiniâtreté, non vult se garire, quid illi facere? assignare—postea assignare; ensuite assignare*. The word is a trifle altered. The Latin of your present doctors may be better than that of your old comedy; their wisdom, and the variety of their resources, are the same. They have not more notes in their song than the cuckoo; though far from the softness of that harbinger of summer and plenty, their voice is as harsh and as ominous as that of the raven.

Who but the most desperate adventurers in philosophy and finance could at all have thought of destroying the settled revenue of the state, the sole security

curity for the public credit, in the hope of rebuilding it with the materials of confiscated property ? If, however, an excessive zeal for the state should have led a pious and venerable prelate (by anticipation a father of the church*) to pillage his own order, and, for the good of the church and people, to take upon himself the place of grand financier of confiscation, and comptroller-general of sacrilege; he and his coadjutors were, in my opinion, bound to shew, by their subsequent conduct, that they knew something of the office they assumed. When they had resolved to appropriate to the *fiſc*, a certain portion of the landed property of their conquered country, it was their business to render their bank a real fund of credit, as far as such a bank was capable of becoming so.

Mr. Burke.

To establish a current circulating credit upon any *land-bank*, under any circumstances whatsoever, has hitherto proved difficult at the very least. The attempt has commonly ended in bankruptcy. But when the assembly were led, through a contempt of moral, to a defiance of economical principles, it might at least have been expected, that nothing would be omitted on their part to lessen this difficulty, to prevent any aggravation of this bankruptcy. It might be expected that to render your *land-bank* tolerable, every means would be adopted that could display openness and candour in the statement of the security; every thing which could aid the recovery of the demand. To take things in their most favourable point of view, your condition

* La Bruyere of Bossuet.

Mr. Burke. was that of a man of a large landed estate, which he wished to dispose of for the discharge of a debt, and the supply of certain services. Not being able instantly to sell, you wished to mortgage. What would a man of fair intentions, and a commonly clear understanding, do in such circumstances? Ought he not first to ascertain the gross value of the estate; the charges of its management and disposition; the encumbrances perpetual and temporary of all kinds that affect it; then, striking a net surplus, to calculate the just value of the security? When that surplus (the only security to the creditor) had been clearly ascertained, and properly vested in the hands of trustees, then he would indicate the parcels to be sold, and the time, and conditions of sale; after this, he would admit the public creditor, if he chose it, to subscribe his stock into this new fund; or he might receive proposals for an *assignat* from those who would advance money to purchase this species of security.

This would be to proceed like men of business, methodically and rationally; and on the only principles of public and private credit that have an existence. The dealer would then know exactly what he purchased; and the only doubt which could hang upon his mind would be, the dread of the resumption of the spoil, which one day might be made (perhaps with an addition of punishment), from the sacrilegious gripe of those execrable wretches who could become purchasers at the auction of their innocent fellow-citizens.

An open and exact statement of the clear value of the property, and of the time, the circumstances, and the place of sale, were all necessary, to efface as much as possible the stigma that has hitherto been branded on every kind of land-bank. It became necessary on another principle, that is, on account of a pledge of faith previously given on that subject, that their future fidelity in a slippery concern might be established by their adherence to their first engagement. When they had finally determined on a state resource from church booty, they came, on the 14th of April 1790, to a solemn resolution on the subject; and pledged themselves to their country, "that in the statement of the public charges "for each year there should be brought to account "a sum sufficient for defraying the expences of the "R. C. A. religion, the support of the ministers "at the altars, the relief of the poor, the pensions "to the ecclesiastics, secular as well as regular, of "the one and of the other sex, *in order that the "estates and goods which are at the disposal of the nation may be disengaged of all charges, and employed "by the representatives, or the legislative body, to the "great and most pressing exigencies of the state."* They further engaged, on the same day, that the sum necessary for the year 1791 should be forthwith determined.

Mr. Burke.

In this resolution they admit it their duty to shew distinctly the expence of the above objects, which, by other resolutions, they had before engaged should be first in the order of provision.

Mr. Burke.

They admit that they ought to shew the estate clear and disengaged of all charges, and that they should shew it immediately. Have they done this immediately, or at any time? Have they ever furnished a rent-roll of the immoveable estates, or given in an inventory of the moveable effects which they confiscate to their assignats? In what manner they can fulfil their engagements of holding out to public service "an estate disengaged of all charges," without authenticating the value of the estate, or the quantum of the charges, I leave it to their English admirers to explain. Instantly upon this assurance, and previously to any one step towards making it good, they issue, on the credit of so handsome a declaration, sixteen millions sterling of their paper. This was manly. Who, after this masterly stroke, can doubt of their abilities in finance?—But then, before any other emission of these financial *indulgences*, they took care at least to make good their original promise!—If such estimate, either of the value of the estate or the amount of the incumbrances, has been made, it has escaped me. I never heard of it.

At length they have spoken out, and they have made a full discovery of their abominable fraud, in holding out the church lands as a security for any debts or any service whatsoever. They rob only to enable them to cheat; but in a very short time they defeat the ends both of the robbery and the fraud, by making out accounts for other purposes, which blow up their whole apparatus of force and
of

of deception. I am obliged to M. de Calonne Mr. Burke;
 for his reference to the document which proves
 this extraordinary fact : it had, by some means,
 escaped me. Indeed it was not necessary to make
 out my assertion as to the breach of faith on the
 declaration of the 14th of April 1790. By a
 report of their committee it now appears, that the
 charge of keeping up the reduced ecclesiastical
 establishments, and other expences attendant on
 religion, and maintaining the religious of both
 sexes, retained or pensioned, and the other con-
 comitant expences of the same nature, which they
 have brought upon themselves by this convulsion
 in property, exceeds the income of the estates ac-
 quired by it in the enormous sum of two millions
 sterling annually ; besides a debt of seven millions
 and upwards. These are the calculating powers of
 imposture ! This is the finance of philosophy !
 This is the result of all the delusions held out to
 engage a miserable people in rebellion, murder,
 and sacrilege, and to make them prompt and
 zealous instruments in the ruin of their country !
 Never did a state, in any case, enrich itself by
 the confiscations of the citizens. This new experi-
 ment has succeeded like all the rest. Every ho-
 nest mind, every true lover of liberty and humanity
 must rejoice to find that injustice is not always good
 policy, nor rapine the high road to riches.

MR. MACKINTOSH.

Vindiciæ
Gallicæ.

AS it is impossible to examine all the political institutions of France, we must limit our remarks to the most important.—To speak then generally of its constitution—it is a preliminary remark, that the application of the word DEMOCRACY to it is fallacious and illusive.—If that word, indeed, be taken in its *etymological sense*, as the power of the people, it is a democracy, and so is all legitimate government. But if it be taken in its historical sense, it is not so, for it does not resemble those governments which have been called democracies in ancient or modern times. In the ancient democracies there was neither representation nor division of powers. The rabble legislated, judged, and exercised every political authority. I do not mean to deny that in Athens, the democracy of which history has transmitted to us the most monuments, there did exist some feeble controuls. But it has been well remarked, that a multitude, if it was composed of NEWTONS, must be a mob. Their will must be equally unwise, unjust, and irresistible. The authority of a corrupt and tumultuous populace has indeed by the best writers of antiquity been regarded rather as an ochlocracy than a democracy, as the despotism of the rabble, not the dominion of the people. It is
a dege-

degenerate democracy. It is a febrile paroxysm of the social body, which must speedily terminate in convalescence or dissolution. Mr. Mack-
intosh.

The new constitution of France is almost directly the reverse of these forms. It vests the legislative authority in the representatives of the people, the executive in an hereditary first magistrate, and the judicial in judges, periodically elected, unconnected either with the legislature or with the executive magistrate. To confound such a constitution with the democracies of antiquity, for the purpose of citing historical and experimental evidence against it, is to recur to the most paltry and shallow arts of sophistry.—In discussing it, on the present occasion, the first question that arises regards the mode of constituting the legislature, and the first division of this question, which considers the right of suffrage, is of primary importance in commonwealths. Here I most cordially agree with Mr. Burke* in probating the impotent and preposterous qualification by which the assembly have *disfranchised* every citizen who does not pay a direct contribution equivalent to the price of three days labour. Nothing can be more evident than its inefficacy for any purpose but the display of inconsistency, and the violation of justice. But these remarks were made at the moment of discussion in France, and the plan † was combated in the assembly with all the force

* P. 257—8.

† For the history of this decree, the 27th and 29th days of October, 1789, see the *Procès verbaux* of these days.—See also the

Mr. Mack-
intosh.

force of reason and eloquence by the most conspicuous leaders of the popular party. M. M. Minbeau, Target, and Pethion more particularly distinguished themselves by their opposition. But the more timid and prejudiced members of the democratic party shrunk from so bold an innovation in political systems, as JUSTICE. They fluctuated between their principles and their prejudices, and the struggle terminated in an illusive compromise, the constant resource of feeble and temporizing characters. They were content that *little* practical evil should in fact be produced.—Their views were not sufficiently enlarged and exalted to perceive, that the INVIOABILITY of PRINCIPLES is the *palladium* of virtue and of freedom. The members of this description do not, indeed, form the majority of their party ; but aristocratic minority, anxious for whatever might dishonour or embarrass the assembly, eagerly coalesced with them, and stained the infant constitution with this absurd usurpation.

An enlightened and respectable antagonist of Mr. Burke has attempted the defence of this measure. In a letter to *Earl Stanhope*, it is contended, that the spirit of this regulation accords exactly with the principles of natural justice, because even in an unsocial state, the *pauper* has a claim only on charity, and he who produces nothing has no right

the *Journal de Paris*, No 301, & *Les Revolutions de Paris*, No. 17, p. 73, & *seq.* These authorities amply corroborate the assertion of the text.

to share in the regulation of what is produced by the industry of others. But whatever be the justice of disfranchising the unproductive poor, the argument is, in point of fact, totally misapplied. Domestic servants are excluded by the decree of the assembly, though they subsist as evidently on the produce of their own labour as any other class of men in society; and to them therefore the argument of our acute and ingenious writer is totally inapplicable*. But it is the consolation of the consistent friends of freedom, that this abuse must be short-lived. The spirit of reason and liberty, which has achieved such mighty victories, cannot long be resisted by this puny foe. The number of primary electors is at present so great, and the importance of their single votes so proportionally little, that their interest in resisting the extension of the right of suffrage is insignificantly small. Thus much have I spoken of the usurpation of the rights of suffrage with the ardour of anxious affection, and the freedom of liberal admiration. The moment is too serious for compliment, and I leave untouched to the partisans of despotism, their monopoly of blind and servile applause†.

I must

* It has been very justly remarked, that, even on the idea of *taxation*, all men have equal rights of election. For the man who is too poor to pay a direct contribution to the state still pays a tax in the increased *price* of his food and clothes. It is besides to be observed, that life and liberty are more sacred than property, and that the right of suffrage is the only shield that can guard them.

† "He who freely magnifies what has been nobly done, and

Mr. Mack-
intosh.

Mr. Mack-
into th.

I must avow, with the same frankness, equal disapprobation of the elements of territory and contribution which enter into the proportion of representatives deputed by the various portions of the kingdom. Territorial or financial representation* is a monstrous relic of ancient prejudice. Land or money cannot be represented. Men only *can* be represented, and population alone ought to regulate the number of representatives which any district delegates.

The next consideration that presents itself is, the nature of those bodies into which the citizens of France are to be organized for the performance of their political functions.—In this important part of the subject, Mr. Burke has committed some fundamental errors.

The assemblies into which the people of France are divided, are of *four* kinds—primary, municipal, electoral, and administrative.

To the *municipalities* belongs the care of preserv-

sears not to declare as freely what might have been done, better gives you the best covenant of his fidelity. His highest praise is not flattery, and his plainest advice is praise." MILTON'S *Angustica*.

* Montesquieu, I think, mentions a federative republic in *Lycia*, where the proportion of representatives deputed by each state was in a *ratio* compounded of its population and contribution. There might be some plausibility in this institution among confederated independent states, but it is grossly absurd in a commonwealth, which is *vitally* ONE. In such a state, the contribution of all being proportioned to their capacity, it is *relatively* to the contributors EQUAL, and if it can confer any political claims, they must derive from it equal rights.

ing

ing the police, and collecting the revenue within their jurisdiction. An accurate idea of their nature and object may be formed by supposing the *country* of England uniformly divided, and governed, like its cities and towns, by magistracies of popular election.

Mr. Mack-
intosh.

The primary assemblies, the first elements of the commonwealth, are formed by all the citizens, who pay a direct contribution, equal to the price of three days labour, which may be averaged at half a crown English. Their functions are purely electoral. They send representatives *directly* to the assembly of the *department*, in the proportion of one to every hundred active citizens. This they do not through the medium of the district, as was originally proposed by the constitutional committee, and has been erroneously stated by Mr. Burke. They send, indeed, representatives to the assembly of the district; but it is the object of that assembly not to depute electors to the department, but to elect the administrators of the district itself.

The electoral assemblies of the *departments*, formed by the immediate delegates of the people in their primary assemblies, elect the members of the legislature, the judges, the administrators, and the * bishop of the department.

The *administrators* are every where the organs and instruments of the executive power. As the

* Every department is an episcopal see.

Mr. Mack-

intosh.

provinces of France, under her ancient government, were ruled by governors, intendants, &c. appointed by the crown, so they are now governed by these administrative bodies, who are chosen by the electoral assemblies of the departments.

Such is the rude outline of that elaborate organization which the French legislature have formed. Details are not necessary to my purpose : and I the more cheerfully abstain from them, because I know that they will be speedily laid before the public by a person far more competent to deliver them with precision, and illustrated with a very correct and ingenious chart of the new constitution of France.

Against the arrangement of these assemblies, many subtle and specious objections are urged, both by Mr. Burke and the exiled minister of France. The first and most formidable is, "the supposed tendency of it to dismember France into a body of confederated republics." To this objection there are several unanswerable replies. But before I state them, it is necessary to make one distinction. These several bodies are in a certain sense independent, in what regards subordinate and interior regulation. But they are not independent in the sense which the objection supposes, that of possessing a separate will from that of the nation, or influencing, but by their representatives, the general system of the state. Nay, it may be demonstrated, that the legislators of France have solicitously provided more elaborate precautions against this

this dismemberment than have been adopted by any recorded government.

Mr. Mack-
intosh.

The first circumstance which is adverse to it is the *minuteness of the parts* into which the kingdom is divided. They are too small to possess a separate force. As elements of the social order, as particles of a great political body, they are something ; but, as insulated states, they would be impotent. Had France been moulded into great masses, each of them might have been strong enough to claim a separate will ; but divided as she is, no body of citizens is conscious of sufficient strength to feel their sentiments of any importance, but as constituent parts of the general will. Survey the administrative, the primary, and the electoral assemblies, and nothing will be more evident than their impotence in individuality. The municipalities, surely, are not likely to arrogate independence. A 48000th part of the kingdom has not energy sufficient for separate existence, nor can a hope arise in the assembly of such a slender community of influencing, in a direct and dictatorial manner, the counsels of a great state. Even the electoral assemblies of the departments do not, as we shall afterwards shew, possess force enough to become independent confederated republics.

Another circumstance, powerfully hostile to this dismemberment, is the destruction of the ancient provincial division of the kingdom. In no part of Mr. Burke's work have his arguments been chosen with such infelicity of selection as in what regards
this

Mr. Mack.
into sh.

this subject. He has not only erred, but his error is the precise reverse of truth. He represents as the harbinger of discord what is, in fact, the instrument of union. He mistakes the cement of the edifice for a source of instability and a principle of repulsion. France was, under the ancient government, an union of provinces acquired at various times, and on different conditions, differing in constitution, laws, language, manners, privileges, jurisdiction, and revenue. It had the exterior of a simple monarchy, but it was in reality an aggregate of independent states. The monarch was in one place king of Navarre, in another duke of Brittany, in a third count of Provence, in a fourth dauphin of Vienne. Under these various denominations, he possessed, at least nominally, different degrees of power, and he certainly exercised it under different forms.—The mass composed of these heterogeneous and discordant elements, was held together by the compressing force of despotism. When that compression was withdrawn, the provinces must have resumed their ancient independence, perhaps in a form more absolute than as members of a federative republic. Every thing tended to inspire *provincial* and to extinguish *national* patriotism. The inhabitants of Bretagne, or Guienne, felt themselves linked together by ancient habitudes, by congenial prejudices, by similar manners, by the relics of their constitution, and the common name of their country; but their character as members of the French empire, could only remind them of long and ignominious subjection to a tyranny, of which

which they had only felt the strength in exaction, and blessed the lenity in neglect. These causes must have formed the provinces into independent republics, and the destruction of their provincial existence was indispensable to the prevention of this dismemberment. It is impossible to deny, that men united by no previous habitude (whatever may be said of the policy of the union in other respects) are less qualified for that union of will and force, which produces an independent republic, than provincials on whom every circumstance tended to confer local and partial attraction, and a repulsion to the common centre of the national system. Nothing could have been more inevitable than the independence of those great provinces which had never been moulded and organised into one empire ; and we may boldly pronounce, in direct opposition to Mr. Burke, that the new division of the kingdom was the only expedient that could have prevented its dismemberment into a confederacy of sovereign republics.

Mr. Mack-
intosh.

The solicitous and elaborate *division of powers*, is another expedient of infallible operation, to preserve the unity of the body politic. The *municipalities* are limited to minute and local administration ; the *primary assemblies* solely to elections ; the *assemblies of the district* to objects of administration and control of a superior class ; and the *assemblies of the departments*, where this may be the most apprehended, possess functions purely electoral. They elect judges, legislators, administrators, and minis-

Mr. Mack-
into h.

ters of religion ; but they are to exert no authority legislative, administrative, or judicial. In any other capacity but that of executing their electoral functions, in voting an address, an instruction, or a censure, they are only simple citizens.

But whatever danger might be apprehended from the assumption of powers by these formidable assemblies, the depositaries of such extensive electoral powers are precluded by another circumstance, which totally disqualifies and unnerves them for any purpose but that for which they are created by the constitution. They are *biennially* renewed, and their fugitive nature makes systematic usurpation hopeless. What power, indeed, could they possess of dictating to the national assembly *, or what interest could the members of that assembly have in obeying the mandates of those who held as fugitive and precarious a power as their own ; not one of whom might, at the next election, have a suffrage to bestow ? The same probability gives the provincial administrators that portion of independence which the constitution demands. By a still stronger reason, the judges, who are elected for six years, must feel themselves

* I do not mean that their voice will not be there respected. That would be to suppose the legislature as insolently corrupt as that of a neighbouring government of pretended freedom. I only mean to assert, that they cannot possess such a power as will enable them to dictate instructions to their representatives as authoritatively as sovereigns do to their ambassadors ; which is the idea of a confederated republic.

independ-

independent of constituents whom *three* elections may so radically and completely change. These circumstances, then, the minuteness of the divisions, the dissolution of provincial ties, the elaborate distribution of powers, and the fugitive constitution of the electoral assemblies, seem to form an insuperable barrier against the assumption of such powers by any of the bodies into which France is organized, as would tend to produce the federal form. Thus the first great argument of Mr. BURKE and M. DE CALONNE seems to be refuted in *principles*, if not in the expansion of detail.

Mr. Mack-
intosh.

The next objection that is to be considered is peculiar to Mr. Burke. The *subordination of elections* has been regarded by the admirers of the French lawgivers as a master-piece of legislative wisdom. It seemed as great an improvement on representative government, as representation itself was on pure democracy. No extent of territory is too great for a popular government thus organized; and as the primary assemblies may be divided to any degree of minuteness, the most perfect order is reconcileable with the widest diffusion of political right. Democracies were supposed by philosophers to be necessarily small, and therefore feeble; to demand numerous assemblies, and to be therefore venal and tumultuous. Yet this great discovery, which gives force and order in so high a degree to popular governments, is condemned and derided by Mr. Burke. An *immediate* connection between the representative

Mr. Mack-
intosh.

and the *primary* constituent, he considers as *essential* to the idea of representation. As the electors in the primary assemblies do not immediately elect their lawgivers, he regards their rights of suffrage as nominal and illusory *. It will in the first instance be remarked, from the statement which has already been given, that in stating *three interposed elections* between the primary electors and the legislature, Mr. Burke has committed a most important error in point of fact. The original plan of the constitutional committee was indeed agreeable to the statement of Mr. Burke. The primary assemblies were to elect deputies to the district, the district to the department, and the department to the national assembly. But this plan was forcibly and successfully combated. It was represented as tending to introduce a vicious complexity into the government, and, by making the channel through which the national will passes into its public acts so circuitous, to enfeeble its energy under pretence of breaking its violence. It was accordingly radically changed. The series of three elections was still preserved for the choice of provincial administrators, but the electoral assemblies in the *departments*, who are the immediate constituents of the legislature, are *directly* chosen by the *primary*

* "For what are these primary electors complimented, or rather mocked with a choice?—They can never know any thing of the qualities of him that is to serve them, nor has he any obligation to serve them."—*Reflect.* p. 270—2.

assemblies,

assemblies, in the proportion of one elector to every hundred active citizens *.

Mr. Mack-
intosh.

But to return to the general question, which is perhaps not much affected by these details, I profess I see no reason why the right of election is not as susceptible of delegation as any other civil function, why a citizen may not as well delegate the right of choosing law-givers, as that of making laws. Such a gradation of elections, says Mr. Burke, excludes responsibility and substantial election, since the primary electors neither can know, nor bring to account the members of the assembly.

This argument has (considering the peculiar system of Mr. Burke) appeared to me to be the most singular and inconsistent that he has urged in his work. Representation itself must be confessed to be an infringement on the most perfect liberty,

* For a charge of such fundamental inaccuracy against Mr. Burke, the public will most justly and naturally expect the highest evidence. I do therefore boldly appeal to the *Decret sur la nouvelle Division du Royaume, art. 17.*—to the *Procès verbal* of the assembly for the 22d Dec. 1789. If this evidence demanded any collateral aid, the authority of M. Calonne (which it is remarkable that Mr. Burke should have overlooked) corroborates it most amply. “On ordonne que chacune de ces assemblées (*primaires*) nommera un ELECTEUR à raison de 100 citoyens actifs.”—Calonne, p. 360. “Ces cinquantes mille ELECTEURS (*des departemens*) choisis de deux ans en deux ans par les ASSEMBLEES PRIMAIRES.” Id. *ibid.* The ex-minister, indeed, is rarely to be detected in any departure from the solicitous accuracy of professional detail.

Mr. Mack-
intosh.

for the best organized system cannot preclude the possibility of a variance between the *popular* and the *representative* will. Responsibility, strictly and rigorously speaking, it can rarely admit, for the secrets of political fraud are so impenetrable, and the line which separates corrupt decision from erroneous judgment so indiscernibly minute, that the cases where the deputies could be made properly responsible are too few to be named as exceptions. Their *dismissal* is all the punishment that can be inflicted, and all that the best constitution can attain is a *high probability* of union between the constituent and his deputy. This seems attained in the arrangements of France. The electors of the *departments* are so numerous, and so popularly elected, that there is the highest *probability* of their being actuated in their elections, and *re-elections*, by the sentiments of the primary assemblies. They have too many points of contact with the general mass to have an insulated opinion, and too fugitive an existence to have a separate interest. It is besides to be remarked, that they come immediately from among the people, with all its opinions, and predilections, and enmities, to their elective functions; and it is surely improbable, that, too shortly united for the acquisition of a corporation spirit, they should have any will or voice but that of their constituents. This is true of those cases where the merits or demerits of candidates may be supposed to have reached

reached the primary assemblies. In those far more numerous cases, where they are too obscure to obtain that notice, but by the polluted medium of a popular canvas, this delegation is still more evidently wise. The peasant, or artisan, who is a primary elector, knows intimately men among his equals, or *immediate* superiors, who have information and honesty enough to choose a good representative. But among this class (the only one which he can know sufficiently to judge) he rarely meets with any who have genius, leisure, and ambition for that situation themselves. Of the candidates to be electors in the *department*, he may be a disinterested, deliberate, and competent judge. But were "he to be complimented, or rather mocked," with the direct right of electing to the legislative body, he must, in the tumult, venality, and intoxication of an election mob, give his suffrage without any *possible* just knowledge of the situation, character, and conduct of the candidates. So unfortunately false, indeed, seems the opinion of Mr. Burke, that this arrangement in the French constitution is the only one that substantially, and in good faith, provides for the exercise of deliberate discrimination in the constituent.

Mr. Mack-
intosh.

The *hierarchy* of elections was obtruded on France by necessity. Had they rejected it, they had only the alternative of tumultuous electoral assemblies, or a tumultuous legislature. If the primary electoral assemblies were to be so divided as to avoid tumult, their deputies would be so

Mr. Mack-
intosh.

numerous as to make the national assembly a mob, If the number of electoral assemblies were reduced according to the number of deputies that ought to constitute the legislature, each of them would be numerous enough, on the other hand, to be also a mob. I cannot perceive that peculiar unfitness which is hinted at by Mr. Burke * in the right of *personal* choice to be delegated. It is in the practice of all states delegated to great officers, who are entrusted with the power of nominating their subordinate agents. It is in the most ordinary affairs of common life delegated, when our *ultimate* representatives are too remote from us to be within the sphere of our observation.

Thus much of the elements that are to generate the legislative body. Concerning that body, thus constituted, various questions remain. Its *unity* or *division* will admit of much dispute, and it will be deemed of the greatest moment by the zealous admirers of the English constitution, to determine, whether any semblance of its legislative organization could have been attained by France, if good, or ought to have been pursued by her, if attainable. Nothing has been asserted with more confidence by Mr. Burke than the facility with which the fragments of the long subverted liberty of France might have been formed into a British

* "Of all the powers to be delegated by those who have any real means of judging, that most peculiarly unfit is what relates to a personal choice." *Reflections*, p. 271.

constitution *. But of this general position he has neither explained the mode, nor defined the limitations. Nothing is more favourable to the popularity of a work than these lofty generalities, which are light enough to pass into vulgar currency, and to become the maxims of a popular creed. Touched by definition, they become too simple and precise for eloquence, too cold and abstract for popularity. But exhibited as they are by Mr. Burke, they gratify the pride and indolence of the people, who are thus taught to speak what

Mr Mack-
intosh.

* To place this opinion in a stronger point of light, I have collected the principal passages from his *Reflections*, &c. in which it is announced or insinuated. "In your OLD STATES you possessed that variety of parts, corresponding with the various descriptions of which your community was happily composed." "If dissident of yourselves, and not clearly the almost obliterated constitution of your ancestors, seeing you had looked to your neighbours in this land, who had kept alive the principles and models of the old common law of Europe, meliorated and adapted to the present state." "Have they never heard of a monarchy directed by laws, controlled and balanced by the great hereditary wealth and hereditary dignity of a nation, and both again controlled by a judicious check from the reason and feeling of the people at large, acting by a suitable and permanent organ?" And in the same page he represents France as a nation which had "it in its choice to obtain such a government with ease, or rather to confirm it when actually possessed."—"I must think such a government well deserved to have its excellencies heightened, its faults corrected, and its capacities improved into a British constitution." The precise question at issue is, whether the ancient government of France possessed capacities which could have been improved into a British constitution.

gains

Mr. Mack-
intosh.

gains applause, without any effort of intellect, and imposes silence, without any labour of confutation; what may be acquired without being studied, and uttered without being understood. Of this nature are these vague and confident assertions, which, without furnishing any definite idea, afford a ready jargon for vulgar prejudice, flattering to national vanity, and sanctioned by a distinguished name. It is necessary to enquire with more precision in what manner France could have assimilated the remains of her ancient constitution to that of the English legislature. Three modes only seem conceivable. The preservation of the *three* orders distinct. The union of the clergy and nobility in one upper chamber, or some mode of selecting from these two orders a body like the house of lords in England. Unless the insinuations of Mr. Burke point to one or other of these schemes, I cannot divine their meaning. The first mode (the three orders sitting in separate houses with equal privileges) would neither have been congenial in spirit nor similar in form to the constitution of England. To convert the convocation into an integrant and co-ordinate member of our legislature, would give it some semblance of the structure; but it would be a faint one. It would be necessary to arm our clergy with an immense mass of property, rendered still more formidable by the concentration of great portions in the hands of a few, to constitute it in effect the same body with the nobility, by granting them the

monopoly of great benefices, and to bestow on this clerico-military aristocracy, in its two shapes of priesthood and nobility, *two* separate and independent voices in legislation. This double body, from its necessary dependence on the king, must necessarily have in both forms become the organ of his voice. The monarch would thus possess *three* negatives, *one* avowed and disused, two latent and in perpetual activity on the *single* voice which impotent and illusive formality had yielded to the third estate. Such and much more must the parliament of England become before it could in any respect resemble the division of the French legislature, according to those ancient orders which formed the Gothic assemblies of Europe. So monstrous did the arrangement appear, that even under the reign of despotism, the second plan was proposed by M. Calonne—that the clergy and nobility should form an upper house, to exercise conjointly with the king and the commons the legislative authority. It admits, however, of the clearest proof, that such a constitution would have been diametrically opposite in its spirit and principles to the English government. This will at once be evident from the different description of the body of nobles in France and England. In England they are a small body, united to the mass of the people by innumerable points of contact, receiving from it perpetual new infusions, and returning to it, undistinguished and unprivileged, the majority of their children. In France they

Mr. Mack-
intosh.

Mr. Mack-
intosh.

they formed an immense insulated *cast*, separate from society by every barrier that prejudice of policy could raise, receiving few plebeian accessions and precluded, by the indelible character of nobility, the equal patrimony of all their children, from the possibility of their most remote descendants being restored to the general mass. The nobles of England are a *senate* of 200. The nobles of France were a *tribe* of 200,000. Nobility is in England only hereditary, so far as its professed object, the support of a hereditary senate, demands. It is therefore descendible only to one heir. Nobility in France was as widely inheritable as in real purpose, the maintenance of a privileged *cast*, prescribed. It was therefore necessarily descendible to all male children.

There are other points of contrast still more important. The nobles of France were at once *formidable* from their immense body of *property*, and *dependent* from the indigence of their patrician rabble of *cadets*, whom honour inspired with servility, and servility excluded from the path to independence. They in fact possessed so large a portion of the landed property, as to be justly, and almost exclusively considered as the landed interest of the kingdom. To this formidable property were added the revenues of the church, monopolized by the children. The younger branches of these opulent families had in general no patrimony but their honours and their sword. They were therefore reduced to seek fortune and distinction

action in military dependence on the crown. Mr. Mack-
intosh.
 They were generous, the habits of military ser-
 vitude devoted them, from loyalty : if they were
 content, the hope of military promotion devoted
 them, from interest, to the king.—How immense
 would the royal influence have been in elections,
 where the majority of the members were the
 servants and creatures of the king? What would
 be thought in England of the use of lords, which,
 while it represented or united the whole landed
 interest of the kingdom, should necessarily have
 a majority of its members septennially or triennially
nominated by the king? Yet it would still yield to the
 French house of M. Calonne; for the monied and
 mercantile interests of England, which would
 continue to be represented by the commons, are
 important and formidable, but in France they are
 comparatively insignificant. It would have been
 a government where the aristocracy could have
 been strong only against the people, impotent
 against the crown. This second arrangement
 is equally repugnant to the *theory* of the
 British constitution as the first. There remains
 some mode of selection of a body from amidst
 nobility and clergy to form an upper house,
 to this there are insuperable objections. Had
 the right of thus forming a branch of the legisla-
 ture by a *single* act of prerogative been given
 to the king, it must have strengthened his influ-
 ence to a degree terrible at any period, but
fatal

Mr. Mack.
into h.

fatal in the moment of political reform. Had any mode of election by the provinces, or the legislature, been adopted, or if they had been vested with any control on the nomination of the crown, the new dignity would have been sought with an activity of corruption and intrigue, of which, in such a national convulsion, it is impossible to estimate the danger. No general principle of selection, such as that of *opulence* or *antiquity*, would have remedied the evil, for the excluded and *degraded* nobles would feel the principle, that nobility is the equal and unalienable patrimony of all. By the abolition of nobility, no nobleman was *degraded*, for to degrade is to lower from a rank that continues to exist in society. No man can be *degraded* when the *rank* he possessed no longer exists. But had the rank of nobility remained in the mode of which we have been speaking, the great body of the nobles would indeed, in a proper and *penal* sense, have been degraded, the new dignity of their former peers would have kept alive the memory of what they once possessed, and provoked them to enterprizes far more fatal than resentment of an indignity, that is at least broken by division, and impartially inflicted on the greatest and most obscure.

So evident indeed was the impossibility of what Mr. Burke supposes attainable with such ease, that no party in the assembly suggested the imitation of the English model, the system of his oracles

cles in French politics *. M. M. Lally and Mounier <sup>Mr. Mack-
intosh.</sup> approached more near to the constitution of the American states. They proposed a senate to be chosen for life by the king, from a certain number of candidates to be offered to his choice by the provinces †. This senate was to enjoy an absolute negative on legislative acts, and to form the great national court for the trial of public delinquents. In effect, such a body would have formed a far more vigorous aristocracy than the English peerage. The latter body only preserves its dignity by a wise disuse of its power. *Potentia ad impotentiam abusi* would otherwise be descriptive of their fate. But the senate of M. Mounier would be an aristocracy moderated and legalized, which, because it *appeared* to have less independence, would in fact be emboldened to exert more. Deriving their rights equally with the lower house from the people, and vested with a more dignified and extensive trust, they would neither shrink from the conflict with the commons nor the king.

* “ De quelle manière sera composé le sénat ? Sera-t-il formé de ce qu’on appelle aujourd’hui la noblesse & le clergé ? Non **SANS DOUTE.** Ce seroit perpétuer cette séparation d’ordres, cet esprit de corporation qui est le plus grand ennemi de l’esprit public.” *Pièces justificatives* de M. Lally Tolendahl, p. 131.

† “ Après avoir examiné & balancé tous les inconvéniens de chaque parti, peut-être trouvera-t-on que faire nommer les sénateurs par le Roi, sur la présentation des provinces, & ne les faire nommer qu’à vie, seroit encore le moyen le plus propre à concilier tous les intérêts.” *Id.* p. 124.

The

Mr. Mack-
intosh.

The permanence of their authority must give them a superiority over the former; the speciousness of their cause over the latter: and it seems probable, that they must have terminated in subjugating both. Those who suppose that a senate for life might not be infected by the corporation spirit, may consider the ancient judicatures of France, who were as keenly actuated by that spirit, as any body of hereditary nobles that ever existed.

But to quit the details of these systems—a question arises for our consideration of a more general and more difficult nature—*Whether a simple representative legislature, or a constitution of mutual control, be the best form of government* *?—To examine this question at length is inconsistent with the object and limits of the present publication (which already grows insensibly beyond its intended size): but a few general principles may be hinted, on which the decision of the question perhaps chiefly depends.

1. It will not be controverted, that the object of a representative legislature is to collect the general will. To accord with this principle, there must be the same unity in the *representative* as in the *original will*.—That will is ONE. It cannot therefore, without solecism, be *doubly* represented. The social body supposes a perfect unity, and no

* This question, translated into familiar language, may perhaps be thus expressed:—“*Whether the vigilance of the master, or the squabbles of the servants, be the best security for faithful service?*”

nan's will can have two discordant organs. Any *absolute** negative opposed to the national will, Mr. Mack-
intodh. decisively spoken by its representatives, is radically null, as an usurpation of popular sovereignty. Thus far does the abstract principle of a representative government condemn the division of the legislature.

2. All bodies possessed of effectual control have a tendency to that great evil, which all laws have hitherto fostered, though it be the end of legislation to repress, the preponderance of partial interests. The spirit of corporation infallibly seizes every public body, and the creation of every new assembly creates a new, dexterous, and vigilant enemy to the general interest. This alone is a sufficient objection to a controlling senate. Such a body would be most peculiarly accessible to this contagious spirit. A representative body itself can only be preserved from it by those frequent elections which break combinations, and infuse into it new portions of popular sentiments. Let us grant that a popular assembly may sometimes be precipitated into unwise decision by the seductions of eloquence, or the rage of faction. Let us grant that a controlling senate might remedy this evil; but let us recollect, that it is better the

* The *suspensive veto* vested in the French king is only an appeal to the people on the conduct of the representatives. The voice of the people clearly spoken, the negative ceases.

Mr. Mack-
intosh.

public interest should be occasionally mistaken than systematically opposed.

3. It is perhaps susceptible of proof, that these governments of balance and control have never existed but in the vision of theorists. The fairest example will be the constitution of England. If it can be proved that the two members of the legislature, who are pretended to control each other, are ruled by the same *class* of men, the control must be granted to be imaginary. That opposition of interest, which is supposed to preclude all conspiracy against the people, can no longer exist. That this is the state of England, the most superficial observation must evince. The great proprietors, titled and untitled, possess the whole force of both houses of parliament that is not immediately dependent on the crown. The peers have a great influence in the house of commons. All political parties are formed by a confederacy of the members of both houses: the court party, by the influence of the crown, acting equally in both, supported by a part of the independent aristocracy: the opposition by the remainder of the aristocracy, whether commoners or lords. Here is every symptom of collusion: no vestige of control. The only case indeed, where it could arise, is where the interest of the peerage is distinct from that of the other great proprietors. But these separate interests are few and paltry, and have established so feeble a check, that the history of
England

England will not afford one undisputed example of this vaunted control.

Mr. Mack-
intosh.

The rejection of the peerage bill of George the First is urged with great triumph by De Lolme. There it seems the commons rejected the bill; purely actuated by their fears, that the aristocracy would acquire a strength from a limitation on the number of peers, destructive of that balance of power which forms the constitution. It is unfortunate that political theorists do not consult the *history* as well as the *letter* of legislative proceedings. It is a matter of perfect notoriety, that the rejection of that bill was occasioned by the secession of Sir Robert (then Mr.) Walpole from the cabinet, and the opposition of him and his party to it was *merely* as a ministerial measure. The debate was not guided by any general legislative principles. It was simply an experiment on the strength of two parties contending for power. The reader will no doubt feel a high reverence for the constitutional principles of that parliament, when he is informed that to it we owe the *septennial act*!

In fact, if such a check existed in much greater force, it would be of little importance to the general question. "Through a diversity of members and interests," if we may believe Mr. Burke, "GENERAL LIBERTY had as many securities as there were separate views in the several orders." And if by GENERAL LIBERTY be understood the power of the collective body of these orders, the position is undeniable. But if it means, what it

Mr. Mack-
intosh.

ought to mean, the liberty of mankind, nothing can be more false. The higher class in society, whatever be their names, of nobles, bishops, judges, or possessors of landed and commercial wealth, have ever been united by a common view, far more powerful than those petty repugnancies of interest to which this variety of description may give rise. Whatever may be the little conflicts of ecclesiastical with secular, of commercial with landed opulence, they have one common interest to preserve, the elevated place to which the social order has raised them. There never was, or will be, in civilized society, but two grand interests, that of the RICH and that of the POOR. The differences of interest among the several classes of the rich will be ever too slender to preclude their conspiracy against mankind. In the mean time, the privileges of their several ORDERS will be guarded, and Mr. Burke will decide that GENERAL LIBERTY is secure! It is thus that a Polish palatine harangues in the diet on the liberty of Poland, without a blush at the recollection of his bondsmen.—It is thus that the assembly of Jamaica, amidst the slavery and sale of MEN, profanely appeal to the principles of freedom. It is thus that antiquity, with her pretended political philosophy, cannot boast one philosopher who questioned the justice of servitude, nor, with all her pretended public virtue, one philanthropist who deplored the misery of slaves.

One

One circumstance more remains concerning the legislature—the exclusion of the king's ministers from seats in it. This *self-denying ordinance* I must unequivocally disapprove.—I regard all *disfranchisement* as equally unjust in its principle, destructive in its example, and impotent for its pretended purpose. The presence of ministers in the assembly would have been of great utility in a view of business, and perhaps, by giving publicity to their opinions, favourable on the whole to public liberty. To exclude them from the legislature, is to devote them to the purposes of the crown, by giving them no *interest* in the constitution. The fair and open influence of ministers was never formidable. It is only that indirect and secret influence which this exclusion will perhaps enable them to practise with more impunity and success. It is also to be observed, that it is equivalent to an exclusion of all men of superior talent from the cabinet. The object of liberal ambition will be a seat in the supreme assembly; and no man of genius will accept, much less pursue, branded and degraded offices, which banish him from the natural sphere of his powers.

Mr. Mack-
in:off.

Of the PLAN of JUDICATURE formed by the assembly, I have not yet presumed to form a decided opinion. It certainly approaches to an experiment, whether a code of laws can be formed sufficiently simple and intelligible to supersede the necessity of lawyers by profession. Of all the

Mr. Mack-
intosh.

attempts of the assembly, the complicated relations of civilised society seem to render this the most problematical. They have not, however, concluded this part of their labours, and the feebleness attributed to the elective judicatures of the *departments*, may probably be remedied by the dignity and force with which they will invest the two high national tribunals (*La cour de cassation & la haute cour nationale*) which they are about to organise.

On the subject of the EXECUTIVE MAGISTRACY, there is a preliminary remark, which the advocates as well as the enemies of the revolution have too much neglected. The assembly have been accused of violating their own principles by the assumption of executive powers, and their advocates have pleaded guilty to the charge. It has been forgotten that they had a double function to perform. They were not only to erect a new constitution, but they were to guard it from destruction. Hence a necessary assumption of executive powers in the crisis of a revolution. Had superstitious tenderness for the principle confined them to theoretical erections, which the breath of power was every day destroying, they would indeed have merited those epithets of visionaries and enthusiasts with which they have been loaded. To judge, therefore, of the future executive magistracy of France by its present state, is absurd. We must not, as has been justly observed, mistake for the new political edifice what is only the scaffolding

scaffolding necessary to its erection. The powers of the first magistrate are not to be estimated by the debility to which the convulsions of the moment have reduced them, but by the provisions of the future constitution. Mr. Mackintosh.

The portion of power with which the king of France is invested, is certainly as much as pure theory demands for the executive magistrate. An organ to collect the public will, and a hand to execute it, are the only necessary constituents of the social union. The popular representative forms the first; the executive officer the second. To the point where this principle would have conducted them, the French have not ventured to proceed. It has been asserted by Mr. Burke, that the French king has no negative on laws. This, however, is not true. The minority who opposed any species of negative in the crown was only 100, when 800 members were present in the assembly. The king possesses the power of withholding his assent to a proposed law for *two* successive assemblies. If it is proposed by the *third*, his assent, indeed, becomes necessary. This species of suspensive *veto* is with great speciousness and ingenuity contended by M. Necker to be more efficient than the obsolete negative of the English princes*. A mild and limited negative may, he remarked, be exercised without danger or odium, while a prerogative, like the absolute

* Rapport fait au roi dans son conseil, par le premier ministre des finances, à Versailles, le 11 Sept. 1789.

Mr. Mack-
intosh.

veto, must sink into impotence from its invidious magnitude. It is too *great* to be exercised, and must, as it has in England, be tacitly abandoned by disuse. Is not that negative really efficient, which is only to yield to the national voice, spoken after four years deliberation, and in two successive elections or representatives? What monarch of a free state, I will be bold to ask, could with decency or impunity oppose a negative the most unlimited in law to the public sentiment, thus explicitly and constantly expressed? The most absolute *veto* must, if the people persist, prove eventually suspensive. A suspensive *veto* is therefore equivalent to an absolute one, and being of less invidious exercise confers more real power. "The power of remonstrance *," says Mr. Burke, "which was anciently vested in the parliament of Paris, is now absurdly entrusted to the executive magistrate." One might have supposed that this was a power of remonstrance like that of the parliament of Paris to the *legislature*. It is however, as we have seen, a power of a very different description, a power of remonstrating to the people

* The *negative* possessed by the king of France is precisely *double* of that which is entrusted to the assembly. He may oppose his will to that of his whole people for *four years*, or the term of two legislatures, while the opposition of the assembly to the general voice can only exist for *two years*, when a new election annihilates them. So inconsiderately has this prerogative been represented as nominal. The whole of this argument is in some measure *ad hominem*, for I myself am dubious about [the utility of any species of royal *veto*, absolute or suspensive.

against

their representatives, the only share in le-
 n (whether it be nominally *absolute*, or no-
 , *limited*) that a free government can entrust
 upreme magistrate *.

Mr. Mack-
 intoh.

the prerogative of WAR and PEACE, Mr.
 † has shortly, and M. Calonne ‡ at great
 , arraigned the system of the assembly.

he constitution of France, war is to be de-
 by a decree of the legislature on the pro-
 n of the king. He possesses exclusively the
ve. It cannot originate with any member
 legislature. The first remark suggested by
 rangement is, that the difference between

the *theory* of the English constitution is
 nominal. That *theory* supposes an inde-
 it house of commons, a rigorous responsi-
 and an EFFECTIVE power of impeachment.
 these in any respect realised, it is perfectly
 is that a decision for war must in every case
 d on the deliberation of the legislature. No
 er would hazard hostilities without the sanc-
 f a body who held a sword suspended over
 ad; and, as this theory supposes the house
 nmons perfectly uninfluenced by the crown,
 imate decision could in no respect depend
 e executive magistrate, and no power re-
 to him but the *initiative*. The forms indeed,
 : majority of cases, aim at a semblance of
 eory. A royal message announces imminent

1. † Burke, p. 295—6. ‡ Calonne, p. 170—200.
 hostilities,

Mr. Mack-
intosh.

hostilities, and a parliamentary address of promised support re-echoes the message. It is this address alone which emboldens and authorises the cabinet to proceed in their measures. The royal message corresponds to the French *initiative*; and if the purity of our practice bore any proportion to the speciousness of our theory, the address would be a *decree* of the legislature, adopting the proposition of the king. No man therefore, who is a sincere and enlightened admirer of the English constitution, *as it ought, and is pretended to exist*, can consistently reprobate an arrangement which differs from it only in the most frivolous circumstances. To speak of our practical government would be an outrage on common sense. There is no trace of those discordant powers which are supposed in our theoretical constitution remains. The most beautiful simplicity prevails. The same influence determines the executive and legislative power. The same cabinet makes war in the name of the king, and sanctions it in the name of the parliament. But France, destitute of the cement which united these jarring powers, was reduced to imitate our theory instead of our practice. Her exchequer was ruined. She could not, therefore, adopt this admirable system.

Supposing however, but not granting, that this formidable prerogative was more abridged in France than it is by the *theory* of our government, the expediency of the limitation remains to be considered. The chief objections are its tendency

to favour the growth of foreign factions, and to derogate from the promptitude so necessary to military success. To both these objections there is one general answer. They proceed on the supposition of the frequency of wars. They both suppose, that France will retain part of that political system which she has disclaimed. But if she adheres with good faith to her declarations, war must become to her so rare an occurrence, that the objections become insignificant. Foreign powers have no temptation to purchase factions in a state which does not interpose in foreign politics; and a wise nation, which regards victorious war as not less fatally intoxicating to the victors, than widely destructive to the vanquished, will not surrender their probability of peace from the dread of defeat, nor purchase the hope of victory by provisions for facilitating war. France, after having renounced for ever the idea of conquest, can, indeed, have no source of probable hostility but her colonies. Colonial possessions have been so unanswerably demonstrated to be commercially useless, and politically ruinous, that the conviction of philosophers cannot fail of having, in due time, its effect on the minds of enlightened Europe, and delivering the French empire from this cumbrous and destructive appendage.

But even were the exploded villany that has obtained the name of politics to be re-adopted in France, the objections would still be feeble. The first,

Mr. Mack-
intosh.

Mr. Mack-
intosh.

first, which must be confessed to have a specious and formidable air, seems evidently to be founded on the history of Sweden and Poland, and on some facts in that of the Dutch republic. It is a remarkable example of those loose and remote analogies by which sophists corrupt and abuse history. Peculiar circumstances in the situation of these states disposed them to be the seat of foreign factions. It did not arise from war being decided by public bodies; for if it had; it must have existed in ancient Rome and Carthage—in modern Venice and Switzerland—in the republican parliament of England, and in the congress of the United States of America.—Holland too, in her better and more vigorous days, was perfectly exempt from this evil.—No traces of it appear in her history till the age of Charles II. and Louis XIV. when, divided between jealousy of the commerce of England and dread of the conquests of France, she threw herself into the arms of the house of Orange, and forced the partisans of freedom into a reliance on French support. In more recent periods, domestic convulsions have more fatally displayed her debility, and too clearly evinced, that of that splendour which she gained from the ignorant indolence of the world, she now only retains the shadow, by the indulgence and courtesy of Europe. The case of Sweden is with the utmost facility explicable. An indigent and martial people, whether it be governed by one or many despots, will ever be sold by its

tyrants

tyrants to the enterprises of opulent ambition; and recent facts have proved, that a change in the government of Sweden has not changed the *dependent* spirit of its military system. Poland is an example still less relevant. There an independent anarchy of despots naturally *league* themselves variously with foreign powers. Yet Russian force has done more than Russian gold; and Poland has suffered still more from feebleness than venality. No analogy can be supposed to exist between these cases and that of France. I hazard the issue of the discussion on one plain point. All the powers of Europe could not expend money enough to form and *maintain* a faction in their interest in France. Let us suppose it possible that the legislature of this vast and opulent kingdom could *once* be corrupted; but let us recollect, that a series of legislatures, collected by the most extensively popular election, are to be in succession purchased, to obtain any permanent ascendant, and it will be evident, that *Potosi* would be unequal to the attempt. If we consider that their deliberations are conducted under the detecting eye of a vigilant and enlightened people, the growth of foreign factions will appear still more chimerical. All the states which have been quoted were poor, therefore cheaply corrupted; their government was an aristocracy, and was therefore only to be *once* bought; the people were ignorant, and could therefore be sold by their governors with impunity. The reverse of these

Mr. Mack-
intosh.

Mr. Mack-
intosh.

these circumstances will save France; as they have saved England, from this "worst of evils." Their wealth makes the attempt difficult; their discernment makes it hazardous; their short trust of power renders the object worthless, and its permanence impossible. That subjecting the decision of war to the deliberations of a popular assembly will, in a great measure, derogate from its energy, and unnerve it for all destructive purposes, I am not disposed to deny. France must, however, when her constitution is cemented, be, in a *defensive* view, invincible; and if her government is unfitted for aggression, it is little wonder that the assembly should have made no provision for a case which their principles do not suppose.

This is the last important arrangement respecting the executive power which Mr. Burke has considered, and it conducts us to a subject of infinite delicacy and difficulty, which has afforded no small triumph to the enemies of the revolution—the ORGANIZATION OF THE ARMY. It must be confessed that to conciliate an army of a hundred and fifty thousand men, a navy of a hundred ships of the line, and a frontier guarded by a hundred fortresses, with the existence of a free government, is a tremendous problem. It cannot be denied that history affords no example in which such a public force has not recoiled on the state, and become the ready instrument of military usurpation. And if the state of France were not perfectly unexampled, and to which these historical arguments

arguments are not therefore applicable or pertinent, the inference would be inevitable. An army, with the sentiments and habits which it is the system of modern Europe to inspire, is not only hostile to freedom, but incompatible with it. A body of men possessed of the whole force of a state, and systematically divested of every civic sentiment, is a monster that no rational polity can tolerate; and every circumstance clearly shews it to be the object of French legislation to destroy it, not *as a body of armed citizens*—but as an **ARMY**. This is wisely and gradually to be effected. Two grand operations conduct to it—arming the people, and *unsoldiering* the army*. The first of these measures, the formation of the municipal army, certainly makes the nation independent of its military servants. An army of four millions can never be coerced by one of a hundred and fifty thousand; neither can they have a separate sentiment from the body of the nation, for they are the same. Whence the horror of Mr. Burke at thus arming the *nation*, under the title of a *municipal army*, has arisen, it is even difficult to conjecture. Has it ceased to be true, that the defence of a free state is only to be committed to its citizens? Are the long opposition to a standing army in England, its tardy and jealous admission, and the perpetual clamour (at length illuſively gratified) for a militia, to be exploded, as the gross

Mr. Mackintosh.

* To use the language of M. Calonne, “ *armant le peuple & popularisant l’armée.*”

and

Mr. Mack-
intosh.

and uncourtly sentiments of our unenlightened ancestors? The assembly have put arms into the hands of the citizens, and by that means have for ever precluded both their own despotism and the usurpation of the army. "They must rule," says Mr. Burke, "by an army." If that be their system, their policy is still more wretched than he has represented it. For they systematically strengthen those who are to be governed, while they systematically enfeeble their engine of government. They fortify the people, and weaken the army. They reduce themselves and their army to dependence on the nation, whom alone they strengthen and arm. A *military democracy*, if it means a deliberative body of soldiers, is the most execrable of tyrannies: but if it be understood to denote a popular government, where every citizen is disciplined and armed, it must then be pronounced to be the only free government which retains within itself the means of preservation.

The professed soldiers, rendered impotent to any dangerous purpose by the strength of the municipal army, are by many other circumstances invited to throw off those abject and murderous habits which form the perfection of a modern soldier. In other states the soldiery were in general disfranchised. They were too poor to be citizens. But in France a great part may enjoy the full rights of citizens. They are not then likely to sacrifice their superior to their inferior capacity, nor to elevate their military importance by committing
political

political suicide. They feel themselves servile as soldiers, they are conscious of being sovereign as citizens. That diffusion of political knowledge among them, which is ridiculed and reprobated by Mr. Burke, is the only remedy that could have fortified them against the seduction of an aspiring commander. That alone will teach them, that in lending themselves to his views, they submit themselves to his yoke ; that to destroy the liberty of others, they must sacrifice their own. They have, indeed, gigantic strength, and they may crush their fellow citizens, by dragging down the social edifice, but they must themselves be overwhelmed by its fall. Mr. Mackintosh.

THE DESPOTISM OF ARMIES IS THE SLAVERY OF SOLDIERS. An army cannot be strong enough to tyrannise, that is not itself cemented by the most absolute *interior* tyranny. The diffusion of these great truths will perpetuate, as they have produced, a revolution in the character of the French soldiery. They will therefore, in the sense of despotic disciplinarians, cease to be an army ; and while the soldiers assume the sentiments of citizens, and the citizens acquire the discipline of soldiers, the military character will be diffused, and the military profession annihilated. Military services will be the *duty* of all citizens, and the *trade* of none. To this object their system evidently and inevitably tends. If a separate body of citizens, as an army, is deemed necessary, it will probably be formed by rotation. A certain period of military service

Mr. Mack-
intosh.

will be exacted from every citizen, and may, as in ancient republics, be made a necessary qualification for the pursuit of civil honours. In the present state of France, the national guard is a sufficient bulwark against the enemy, should it relapse into its ancient habits; and in its future state, no body susceptible of such dangerous habits seems likely to exist. "*Gallos quoque in bellis floruisse audivimus*" may, indeed, be the sentiment of our children. The glory of heroism, and the splendour of conquest, have long enough been the patrimony of that great nation. It is time that it should seek a new glory, and a new splendour, under the shade of freedom, in cultivating the arts of peace, and extending the happiness of mankind.

Mr.

THE present national assembly of France is, Rights of
Man.
 strictly speaking, the personal social compact.—The members of it are the delegates of the nation in its *original* character; future assemblies will be the delegates of the nation in its *organized* character. The authority of the present assembly is different to what the authority of future assemblies will be. The authority of the present one is to form a constitution: the authority of future assemblies will be to legislate according to the principles and forms prescribed in that constitution; and if experience should hereafter shew that alterations, amendments, or additions are necessary, the constitution will point out the mode by which such things shall be done, and not leave it to the discretionary power of the future government.

A government on the principles on which constitutional governments arising out of society are established, cannot have the right of altering itself. If it had, it would be arbitrary. It might make itself what it pleased; and wherever such a right is set up, it shews there is no constitution. The act by which the English parliament empowered itself to sit seven years, shews there is no constitution in England. It might, by the same self-authority, have sit any greater number of years, or for life. The bill which the present Mr. Pitt brought into parliament some years ago, to reform

Mr. Paine.

parliament, was on the same erroneous principle. The right of reform is in the nation in its original character, and the constitutional method would be by a general convention elected for the purpose. There is moreover a paradox in the idea of vitiated bodies reforming themselves.

From these preliminaries I proceed to draw some comparisons. I have already spoken of the declaration of rights; and as I mean to be as concise as possible, I shall proceed to other parts of the French constitution.

The constitution of France says, that every man who pays a tax of sixty sous *per annum* (2s. and 6d. English), is an elector.—What article will Mr. Burke place against this? Can any thing be more limited, and at the same time more capricious, than what the qualifications of electors are in England? Limited—because not one man in an hundred (I speak much within compass) is admitted to vote: capricious—because the lowest character that can be supposed to exist, and who has not so much as the visible means of an honest livelihood, is an elector in some places; while, in other places, the man who pays very large taxes, and with a fair known character, and the farmer who rents to the amount of three or four hundred pounds a year, and with a property on that farm to three or four times that amount, is not admitted to be an elector. Every thing is out of nature, as Mr. Burke says on another occasion, in this strange chaos, and all sorts of follies are blended

with all sorts of crimes. William the Conqueror and his descendants parcelled out the country in this manner, and bribed one part of it by what they called charters, to hold the other parts of it the better subjected to their will. This is the reason why so many of those charters abound in Cornwall. The people were averse to the government established at the conquest, and the towns were garrisoned and bribed to enslave the country. All the old charters are the badges of this conquest, and it is from this source that the capriciousness of elections arise.

Mr. Paine.

The French constitution says, that the number of representatives for any place shall be in a ratio to the number of taxable inhabitants or electors. What article will Mr. Burke place against this? The county of Yorkshire, which contains near a million of souls, sends two county members; and so does the county of Rutland, which contains not an hundredth part of that number. The town of Old Sarum, which contains not three houses, sends two members; and the town of Manchester, which contains upwards of sixty thousand souls, is not admitted to send any. Is there any principle in these things? Is there any thing by which you can trace the marks of freedom, or discover those of wisdom? No wonder then Mr. Burke has declined the comparison, and endeavoured to lead his readers from the point by a wild unsystematical display of paradoxical rhapsodies.

The French constitution says that the national

H h 3

assembly

Mr. Paine.

assembly shall be elected every two years.—What article will Mr. Burke place against this? Why, that the nation has no right at all in the case: that the government is perfectly arbitrary with respect to this point; and he can quote for his authority, the precedent of a former parliament.

The French constitution says, there shall be no game laws; that the farmer on whose lands wild game shall be found (for it is by the produce of those lands they are fed) shall have a right to what he can take—that there shall be no monopolies of any kind—that all trade shall be free, and every man free to follow any occupation by which he can procure an honest livelihood, and in any place, town or city throughout the nation.—What will Mr. Burke say to this? In England, game is made the property of those at whose expence it is not fed; and with respect to monopolies, the country is cut up into monopolies. Every chartered town is an aristocratical monopoly in itself, and the qualification of electors proceeds out of those chartered monopolies. Is this freedom? Is this what Mr. Burke means by a constitution?

In these chartered monopolies, a man coming from another part of the country, is hunted from them as if he were a foreign enemy. An Englishman is not free of his own country: every one of those places presents a barrier in his way, and tells him he is not a freeman—that he has no rights. Within these monopolies are other monopolies. A city, such for instance as Bath, which contains
between

between twenty and thirty thousand inhabitants, the right of electing representatives to parliament is monopolised into about thirty-one persons. And within these monopolies are still others. A man even of the same town, whose parents were not in circumstances to give him an occupation, is debarred, in many cases, from the natural right of acquiring one, be his genius or industry what it may. Mr. Paine.

Are these things examples to hold out to a country regenerating itself from slavery, like France?—Certainly they are not; and certain am I, that when the people of England come to reflect upon them, they will, like France, annihilate those badges of ancient oppression, those traces of a conquered nation.—Had Mr. Burke possessed talents similar to the author “On the Wealth of Nations,” he would have comprehended all the parts which enter into, and, by assemblage, form a constitution. He would have reasoned from minutiae to magnitude. It is not from his prejudices only, but from the disorderly cast of his genius, that he is unfitted for the subject he writes upon. Even his genius is without a constitution. It is a genius at random, and not a genius constituted. But he must say something—he has therefore mounted in the air like a balloon, to draw the eyes of the multitude from the ground they stand upon.

Much is to be learned from the French constitution. Conquest and tyranny transplanted themselves with William the Conqueror from Normandy

Mr. Paine. into England, and the country is yet disfigured with the marks. May then the example of all France contribute to regenerate the freedom which a province of it destroyed !

The French constitution says, that to preserve the national representation from being corrupt, no member of the national assembly shall be an officer of the government, a place-man, or a pensioner.—What will Mr. Burke place against this? I will whisper his answer: *loaves and fishes*. Ah! this government of loaves and fishes has more mischief in it than people have yet reflected on. The national assembly has made the discovery, and it holds out the example to the world. Had governments agreed to quarrel on purpose to fleece their countries by taxes, they could not have succeeded better than they have done.

Mr. Burke, as a member of the house of commons, is a part of the English government; and though he professes himself an enemy to war, he abuses the French constitution, which seeks to explode it. He holds up the English government as a model in all its parts, to France; but he should first know the remarks which the French make upon it. They contend, in favour of their own, that the portion of liberty enjoyed in England, is just enough to enslave a country by, more productively than by despotism; and that, as the real object of all despotism is revenue, a government so formed obtains more than it could either by direct despotism, or in a full state of freedom, and is, therefore,

therefore, on the ground of interest, opposed to both. They account also for the readiness which always appears in such governments for engaging in wars, by remarking on the different motives which produce them. In despotic governments, wars are the effect of pride; but in those governments in which they become the means of taxation, they acquire thereby a more permanent promptitude.

Mr. Paine.

The French constitution, therefore, to provide against both those evils, have taken away the power of declaring war from kings and ministers, and placed the right where the expence must fall.

When the question on the right of war and peace was agitating in the national assembly, the people of England appeared to be much interested in the event, and highly to applaud the decision.—As a principle, it applies as much to one country as to another. William the Conqueror, *as a conqueror*, held this power of war and peace in himself, and his descendants have ever since claimed it under him as a right.

Although Mr. Burke has asserted the right of the parliament at the revolution to bind and controul the nation and posterity for *ever*, he denies, at the same time, that the parliament or the nation had any right to alter what he calls the succession of the crown, in any thing but in part, or by a sort of modification. By his taking this ground, he throws the case back to the *Norman conquest*; and by thus running a line of succession springing from William the

Mr. Paine. the Conqueror to the present day, he makes it necessary to enquire who and what William the Conqueror was, and where he came from; and into the origin, history, and nature of what are called prerogatives. Every thing must have had a beginning, and the fog of time and antiquity should be penetrated to discover it. Let then Mr. Burke bring forward his William of Normandy, for it is to this origin that his argument goes. It also unfortunately happens, in running this line of succession, that another line parallel thereto presents itself, which is, that if the succession runs in the line of the conquest, the nation runs in the line of being conquered, and it ought to rescue itself from this reproach.

But it will perhaps be said, that though the power of declaring war descends in the heritage of the conquest, it is held in check by the right of the parliament to withhold the supplies. It will always happen, when a thing is originally wrong, that amendments do not make it right, and it often happens that they do as much mischief one way as good the other: and such is the case here; for if the one rashly declares war as a matter of right, and the other peremptorily withholds the supplies as a matter of right, the remedy becomes as bad or worse than the disease. The one forces the nation to a combat, and the other ties its hands. But the more probable issue is, that the contrast will end in a collusion between the parties, and be made a screen to both.

On

On this question of war, three things are to be considered : First, the right of declaring it : Secondly, the expence of supporting it : Thirdly, the mode of conducting it after it is declared. The French constitution places the *right* where the *expence* must fall, and this union can be only in the nation. The mode of conducting it after it is declared, it consigns to the executive department.— Were this the case in all countries, we should hear but little more of wars. Mr. Paine.

The French constitution says, *There shall be no titles* ; and, of consequence, all that class of equivocal generation, which in some countries is called "*aristocracy*," and in others "*nobility*," is done away, and the *peer* is exalted into MAN.

Titles are but nick-names, and every nick-name is a title. The thing is perfectly harmless in itself, but it marks a sort of foppery in the human character which degrades it. It renders man into the diminutive of man in things which are great, and the counterfeit of woman in things which are little. It talks about its fine *blue ribbon* like a girl, and shews its new *garter* like a child. A certain writer of some antiquity, says, " When I was a child, I thought as a child ; but when I became a man, I put away childish things."

It is, properly, from the elevated mind of France that the folly of titles have fallen. It has outgrown the baby-clothes of *count* and *duke*, and breeched itself in manhood. France has not levelled ; it has exalted. It has put down the dwarf,
to

Mr. Paine.

to fet up the man. The punyism of a senseless word like *duke*, or *count*, or *earl*, has ceased to please. Even those who possessed them have disowned the gibberish, and, as they outgrew the rickets, have despised the rattle. The genuine mind of man, thirsting for its native home, society, contemns the gewgaws that separate him from it. Titles are like circles drawn by the magician's wand, to contract the sphere of man's felicity. He lives immured within the bastille of a word, and surveys at a distance the envied life of man.

Is it then any wonder that titles should fall in France? Is it not a greater wonder they should be kept up any where? What are they? What is their worth, and "what is their amount?" When we think or speak of a *judge* or a *general*, we associate with it the ideas of office and character; we think of gravity in the one, and bravery in the other: but when we use a word merely as a *title*, no ideas associate with it. Through all the vocabulary of Adam, there is not such an animal as a duke or a count; neither can we connect any certain idea to the words. Whether they mean strength or weakness, wisdom or folly, a child or a man, or the rider or the horse, is all equivocal. What respect then can be paid to that which describes nothing, and which means nothing? Imagination has given figure and character to centaurs, satyrs, and down to all the fairy tribe; but titles baffle even the powers of fancy, and are a chimerical non-descript.

But

But this is not all.—If a whole country is disposed to hold them in contempt, all their value is gone, and none will own them. It is common opinion only that makes them any thing, or nothing, or worse than nothing. There is no occasion to take titles away, for they take themselves away when society concurs to ridicule them. This species of imaginary consequence has visibly declined in every part of Europe, and it hastens to its exit as the world of reason continues to rise. There was a time when the lowest class of what are called nobility was more thought of than the highest is now, and when a man in armour riding throughout Christendom in quest of adventures was more stared at than a modern duke. The world has seen this folly fall, and it has fallen by being laughed at, and the farce of titles will follow its fate.—The patriots of France have discovered in good time, that rank and dignity in society must take a new ground. The old one has fallen through. It must now take the substantial ground of character, instead of the chimerical ground of titles; and they have brought their titles to the altar, and made of them a burnt-offering to reason.

Mr. Paine.

If no mischief had annexed itself to the folly of titles, they would not have been worth a serious and formal destruction, such as the national assembly have decreed them: and this makes it necessary to enquire further into the nature and character of aristocracy.

That, then, which is called aristocracy in some countries,

Mr. Paine's countries, and nobility in others, arose out of the governments founded upon conquest. It was originally a military order for the purpose of supporting military government (for such were all governments founded in conquest); and to keep up a succession of this order for the purpose for which it was established, all the younger branches of those families were disinherited, and the law of *primogeniture* set up.

The nature and character of aristocracy shews itself to us in this law. It is a law against every law of nature, and nature herself calls for its destruction. Establish family justice, and aristocracy falls. By the aristocratical law of primogeniture, in a family of six children, five are exposed. Aristocracy has never but *one* child. The rest are begotten to be devoured. They are thrown to the cannibal for prey, and the natural parent prepares the unnatural repast.

As every thing which is out of nature in man, affects, more or less, the interest of society, so does this. All the children which the aristocracy disowns (which are all, except the eldest) are, in general, cast like orphans on a parish, to be provided for by the public, but at a greater charge.—Unnecessary offices and places in governments and courts are created at the expence of the public, to maintain them.

With what kind of parental reflections can the father or mother contemplate their younger offspring? By nature they are children, and by marriage

age they are heirs ; but by aristocracy they are bastards and orphans. They are the flesh and blood of their parents in one line, and nothing kin to them in the other. To restore, therefore, parents to their children, and children to their parents—relations to each other, and man to society—and to exterminate the monster aristocracy, root and branch—the French constitution has destroyed the law of PRIMOGENITURESHIP. Here lies the monster ; and Mr. Burke, if he please, may write its epitaph. Mr. Paine.

Hitherto we have considered aristocracy chiefly from one point of view. We have now to consider it from another. But whether we view it before or behind, or side-ways, or any way else, domestically or publicly, it is still a monster.

In France, aristocracy had one feature less in its countenance than what it has in some other countries. It did not compose a body of hereditary legislators. It was not "*a corporation of aristocracy*," nor such I have heard M. de la Fayette describe in the English House of Peers. Let us then examine the grounds upon which the French constitution was resolved against having such a house in France.

Because, in the first place, as is already mentioned, aristocracy is kept up by family tyranny and injustice.

Secondly, Because there is an unnatural unfitness in an aristocracy to be legislators for a nation. Their ideas of *distributive justice* are corrupted at

Mr. Paine. the very source. They begin life by trampling on all their younger brothers and sisters, and relations of every kind, and are taught and educated so to do. With what ideas of justice or honour can that man enter an house of legislation, who absorbs in his own person the inheritance of a whole family of children, or doles out to them some pitiful portion with the insolence of a gift?

Thirdly, Because the idea of hereditary legislators is as inconsistent as that of hereditary judges, or hereditary juries; and as absurd as an hereditary mathematician, or an hereditary wife man; and as ridiculous as an hereditary poet-laureat.

Fourthly, Because a body of men holding themselves accountable to nobody, ought not to be trusted by any body.

Fifthly, Because it is continuing the uncivilized principle of governments founded in conquest, and the base idea of man having property in man, and governing him by personal right.

Sixthly, Because aristocracy has a tendency to degenerate the human species.—By the universal economy of nature it is known, and by the instance of the Jews it is proved, that the human species has a tendency to degenerate, in any small number of persons, when separated from the general stock of society, and intermarrying constantly with each other. It defeats even its pretended end, and becomes in time the opposite of what is noble in man. Mr. Burke talks of nobility; let him shew what it is. The greatest characters the world

have

have known, have rose on the democratic floor. Mr. Paine.
 Aristocracy has not been able to keep a proportionate pace with democracy. The artificial NOBLE shrinks into a dwarf before the NOBLE of Nature; and in the few instances (for there are some in all countries) in whom nature, as by a miracle, has survived in aristocracy, THOSE MEN DESPISE IT.
 — But it is time to proceed to a new subject.

The French constitution has reformed the condition of the clergy. It has raised the income of the lower and middle classes, and taken from the higher. None are now less than twelve hundred livres (fifty pounds sterling), nor any higher than about two or three thousand pounds. What will Mr. Burke place against this? Hear what he says.

He says, “ that the people of England can see
 “ without pain or grudging, an archbishop precede
 “ a duke; they can see a bishop of Durham, or a
 “ bishop of Winchester, in possession of £.10,000
 “ a-year; and cannot see why it is in worse hands
 “ than estates to the like amount in the hands of
 “ this earl or that squire.” And Mr. Burke offers
 this as an example to France.

As to the first part, whether the archbishop precedes the duke, or the duke the bishop, it is, I believe, to the people in general, somewhat like *Sternbold* and *Hopkins*, or *Hopkins* and *Sternbold*; you may put which you please first: and as I confess that I do not understand the merits of this case, I will not contend it with Mr. Burke.

But with respect to the latter, I have something

Mr. Paine. to say.—Mr. Burke has not put the case right.—
 The comparison is out of order, by being put between the bishop and the earl or the 'squire. It ought to be put between the bishop and the curate, and then it will stand thus :—*The people of England can see without pain or grudging, a bishop of Durham, or a bishop of Winchester, in possession of ten thousand pounds a-year, and a curate on thirty or forty pounds a-year, or less.*—No, Sir, they certainly do not see those things without great pain or grudging. It is a case that applies itself to every man's sense of justice, and is one among many that calls aloud for a constitution.

In France, the cry of "*the church! the church!*" was repeated as often as in Mr. Burke's book, and as loudly as when the dissenters' bill was before the English parliament; but the generality of the French clergy were not to be deceived by this cry any longer. They knew, that whatever the pretence might be, it was themselves who were one of the principal objects of it. It was the cry of the high-beneficed clergy, to prevent any regulation of income taking place between those of ten thousand pounds a-year and the parish priest. They, therefore, joined their case to those of every other oppressed class of men, and by this union obtained redress.

The French constitution has abolished tythes, that source of perpetual discontent between the tythe-holder and the parishioner. When land is held on tythe, it is in the condition of an estate
 held

held between two parties ; the one receiving one-tenth, and the other nine-tenths of the produce : and, consequently, on principles of equity, if the estate can be improved, and made to produce by that improvement double or treble what it did before, or in any other ratio, the expence of such improvement ought to be borne in like proportion between the parties who are to share the produce. But this is not the case in tythes ; the farmer bears the whole expence, and the tythe-holder takes a tenth of the improvement, in addition to the original tenth, and by this means gets the value of two-tenths instead of one. This is another case that calls for a constitution.

Mr. Paine:

The French constitution hath abolished or renounced *Toleration*, and *Intoleration* also, and hath established UNIVERSAL RIGHT OF CONSCIENCE.

Toleration is not the *opposite* of intoleration, but is the *counterfeit* of it. Both are despotisms: The one assumes to itself the right of withholding liberty of conscience, and the other of granting it. The one is the pope armed with fire and faggot, and the other is the pope selling or granting indulgences. The former is church and state, and the latter is church and traffic.

But toleration may be viewed in a much stronger light. Man worships not himself, but his Maker ; and the liberty of conscience which he claims, is not for the service of himself, but of his God. In this case, therefore, we must necessarily have the associated idea of two beings ; the *mortal* who ren-

Mr. Paine. ders the worship, and the IMMORTAL BEING who is worshipped. Toleration, therefore, places itself, not between man and man, nor between church and church, nor between one denomination of religion and another, but between God and man; between the being who worships, and the BEING who is worshipped; and by the same act of assumed authority by which it tolerates man to pay his worship, it presumptuously and blasphemously sets itself up to tolerate the Almighty to receive it.

Were a bill brought into any parliament, entitled "AN ACT to tolerate or grant liberty to the "Almighty to receive the worship of a Jew or a "Turk," or "to prohibit the Almighty from "receiving it," all men would startle, and call it blasphemy. There would be an uproar. The presumption of toleration in religious matters would then present itself unmasked: but the presumption is not the less because the name of "Man" only appears to those laws, for the associated idea of the *worshipper* and the *worshipped* cannot be separated. —Who, then, art thou, vain dust and ashes! by whatever name thou art called, whether a king, a bishop, a church, or a state, a parliament, or any thing else, that obtrudest thine insignificance between the soul of man and its Maker? Mind thine own concerns. If he believes not as thou believest, it is a proof that thou believest not as he believeth, and there is no earthly power can determine between you.

With respect to what are called denominations
of

of religion, if every one is left to judge of its own religion, there is no such thing as a religion that is wrong; but if they are to judge of each others religion, there is no such thing as a religion that is right; and therefore, all the world are right, or all the world are wrong. But with respect to religion itself, without regard to names, and as directing itself from the universal family of mankind to the Divine object of all adoration, *it is man bringing to his Maker the fruits of his heart*; and though those fruits may differ from each other like the fruits of the earth, the grateful tribute of every one is accepted. Mr. Paine.

A bishop of Durham, or a bishop of Winchester, or the archbishop who heads the dukes, will not refuse a tythe-sheaf of wheat, because it is not a cock of hay; nor a cock of hay, because it is not a sheaf of wheat; nor a pig, because it is neither the one nor the other: but these same persons, under the figure of an established church, will not permit their Maker to receive the varied tythes of man's devotion.

One of the continual chorusses of Mr. Burke's book is, "church and state:" he does not mean some one particular church, or some one particular state, but any church and state; and he uses the term as a general figure to hold forth the political doctrine of always uniting the church with the state in every country, and he censures the national assembly for not having done this in

Mr. Paine. France.—Let us bestow a few thoughts on this subject.

All religions are in their nature mild and benign, and united with principles of morality. They could not have made proselytes at first, by professing any thing that was vicious, cruel, persecuting, or immoral. Like every thing else, they had their beginning ; and they proceeded by persuasion, exhortation, and example. How then is it that they lose their native mildness, and become morose and intolerant ?

It proceeds from the connection which Mr. Burke recommends. By engendering the church with the state, a sort of mule animal, capable only of destroying, and not of breeding up, is produced, called *The Church established by Law*. It is a stranger, even from its birth, to any parent mother on which it is begotten, and whom in time it kicks out and destroys.

The inquisition in Spain does not proceed from the religion originally professed, but from this mule-animal, engendered between the church and the state. The burnings in Smithfield proceeded from the same heterogeneous production ; and it was the regeneration of this strange animal in England afterwards, that renewed rancour and irreligion among the inhabitants, and that drove the people called Quakers and Dissenters to America. Persecution is not an original feature in any religion ; but it is always the strongly-marked feature of all law-religions, or religions established by law.

Take

Take away the law-establishment, and every religion re-assumes its original benignity. In America, a Catholic priest is a good citizen, a good character, and a good neighbour; an Episcopalian minister is of the same description: and this proceeds, independent of the men, from there being no law establishment in America.

Mr. Paine.

If also we view this matter in a temporal sense, we shall see the ill effects it has had on the prosperity of nations. The union of church and state has impoverished Spain. The revoking the edict of Nantz drove the silk manufacture from that country into England; and church and state are now driving the cotton manufacture from England to America and France. Let then Mr. Burke continue to preach his anti-political doctrine of church and state. It will do some good. The national assembly will not follow his advice, but will benefit by his folly. It was by observing the ill effects of it in England, that America has been warned against it; and it is by experiencing them in France, that the national assembly have abolished it, and, like America, have established **UNIVERSAL RIGHT OF CONSCIENCE, AND UNIVERSAL RIGHT OF CITIZENSHIP.**

I will here cease the comparison with respect to the principles of the French constitution, and conclude this part of the subject with a few observations on the organization of the formal parts of the French and English governments.

The executive power in each country is in the

Mr. Paine. hands of a person styled the king ; but the French constitution distinguishes between the king and the sovereign. It considers the station of king as official, and places sovereignty in the nation.

The representatives of the nation, which compose the national assembly, and who are the legislative power, originate in and from the people by election, as an inherent right in the people.—In England it is otherwise ; and this arises from the original establishment of what is called its monarchy ; for, as by the conquest all the rights of the people or the nation were absorbed into the hands of the conqueror, and who added the title of king to that of conqueror, those same matters which in France are now held as rights in the people, or in the nation, are held in England as grants from what is called the crown. The parliament in England, in both its branches, were erected by patents from the descendants of the conqueror. The house of commons did not originate as a matter of right in the people to delegate or elect, but as a grant or boon.

By the French constitution, the nation is always named before the king. The third article of the Declaration of rights says, “ *The nation is essentially the source (or fountain) of all sovereignty.*” Mr. Burke argues, that, in England, a king is the fountain—that he is the fountain of all honour. But as this idea is evidently descended from the conquest, I shall make no other remark upon it than that it is the nature of conquest to turn every thing upside down ;

down ; and as Mr. Burke will not be refused the privilege of speaking twice, and as there are but two parts in the figure, the *fountain* and the *spout*, he will be right the second time. Mr. Paine.

The French constitution puts the legislative before the executive ; the law before the king ; *La Loi, Le Roi*. This also is in the natural order of things ; because laws must have existence, before they can have execution.

A king in France does not, in addressing himself to the national assembly, say, “ My assembly,” similar to the phrase used in England of “ *My parliament* ; neither can he use it consistent with the constitution, nor could it be admitted. There may be propriety in the use of it in England, because, as is before mentioned, both houses of parliament originated out of what is called the crown, by patent or boon—and not out of the inherent rights of the people, as the national assembly does in France, and whose name designates its origin.

The president of the national assembly does not ask the king *to grant to the assembly liberty of speech*, as is the case with the English house of commons. The constitutional dignity of the national assembly cannot debase itself. Speech is, in the first place, one of the natural rights of man always retained ; and with respect to the national assembly, the use of it is their *duty*, and the nation is their *authority*. They were elected by the greatest body of men exercising the right of election the European world ever saw. They sprung not from the filth of rot-

Mr. Paine. ten boroughs, nor are they the vassal representatives of aristocratical ones. Feeling the proper dignity of their character, they support it. Their parliamentary language, whether for or against a question, is free, bold, and manly, and extends to all the parts and circumstances of the case. If any matter or subject respecting the executive department, or the person who presides in it (the king), comes before them, it is debated on with the spirit of men, and the language of gentlemen; and their answer, or their address, is returned in the same style. They stand not aloof with the gaping vacuity of vulgar ignorance, nor bend with the cringe of sycophantic insignificance. The graceful pride of truth knows no extremes, and preserves, in every latitude of life, the right-angled character of man.

Let us now look to the other side of the question.—In the addresses of the English parliaments to their kings, we see neither the intrepid spirit of the old parliaments of France, nor the serene dignity of the present national assembly; neither do we see in them any thing of the style of English manners, which borders somewhat on bluntness. Since then they are neither of foreign extraction, nor naturally of English production, their origin must be sought for elsewhere, and that origin is the Norman conquest. They are evidently of the vassalage class of manners, and emphatically mark the prostrate distance that exists in no other condition of men than between the conqueror and the conquered. That this vassalage idea and style of speaking

speaking was not got rid of even at the Revolution of 1688, is evident from the declaration of parliament to William and Mary, in these words :
 “ We do most humbly and faithfully *submit* ourselves, our heirs and posterities, for ever.” Submission is wholly a vassalage term, repugnant to the dignity of Freedom, and an echo of the language used at the Conquest.

Mr. Paine,

As the estimation of all things is by comparison, the Revolution of 1688, however from circumstances it may have been exalted beyond its value, will find its level. It is already on the wane, eclipsed by the enlarging orb of reason, and the luminous revolutions of America and France. In less than another century, it will go, as well as Mr. Burke's labours, “ to the family vault of all the Capulets.” Mankind will then scarcely believe that a country calling itself free, would send to Holland for a man, and clothe him with power, on purpose to put themselves in fear of him, and give him almost a million sterling a-year, for leave to *submit* themselves and their posterity, like bond-men and bond-women, for ever.

But there is a truth that ought to be made known : I have had the opportunity of seeing it ; which is, *that, notwithstanding appearances, there is not any description of men that despise monarchy so much as courtiers.* But they well know, that if it were seen by others, as it is seen by them, the juggle could not be kept up. They are in the condition of men who get their living by a show, and to whom the

Mr. Paine. folly of that show is so familiar that they ridicule it; but were the audience to be made as wise, in this respect, as themselves, there would be an end to the show and the profits with it. The difference between a republican and a courtier with respect to monarchy is, that the one opposes monarchy believing it to be something, and the other laughs at it knowing it to be nothing.

The national assembly have taken a ground on which their moral duty and their political interest are united. They have not to hold out a language which they do not believe, for the fraudulent purpose of making others believe it. Their station requires no artifice to support it, and can only be maintained by enlightening mankind. It is not their interest to cherish ignorance, but to dispel it. They are not in the case of a ministerial or an opposition party in England, who, though they are opposed, are still united to keep up the common mystery. The national assembly must throw open a magazine of light. It must shew man the proper character of man; and the nearer it can bring him to that standard, the stronger the national assembly becomes.

In contemplating the French constitution, we see in it a rational order of things. The principles harmonise with the forms, and both with their origin. It may perhaps be said as an excuse for bad forms, that they are nothing more than forms; but this is a mistake. Forms grow out of principles, and operate to continue the principles they
grow

w from. It is impossible to practise a bad form **Mr. Paine.**
any thing but a bad principle. It cannot be 
rafted on a good one ; and wherever the forms
any government are bad, it is a certain indica-
i that the principles are bad also.

Mrs.

MRS. MACAULAY.

Letter to
the Earl of
Stanhope.

WHATEVER might have been held out as the ostensible object of the people in their demand for the meeting of their representatives, it certainly was intended by them to use their power, when thus vested with a legitimate form, and endowed with a capability of legislation, not only to the *reformation* of abuses, but to the *regeneration* of their constitution; and thus the national assembly became vested with the trust of legislation, in the *bigbest* sense of the word: nor could this trust be *limited* or *governed* by any of those rules and practices, which, for *reasons* drawn from *experience*, the people *condemned*, and were *determined to abolish*.

Thus the preserving the state from the ruin of an impending bankruptcy, *brought on* by the *prodigality* of courts, and the *regeneration* of the constitution, were the important services which the national assembly were expected to perform for their constituents. And when we consider that these *important* and *difficult* services were to be performed without that ready and effectual instrument of power, a *standing* army (in whom *implicit* obedience is the *only* rule of action), we shall be obliged to confess, either that the men who undertook this *great* work were infected with a *daring* *insanity*, or that they were seconded by an *unanimity* in the sentiments of the people, which is *unparalleled*

in the history of large empires, and which evidently destroys the force of *every* accusation which can be brought against them, as having rendered themselves the *instrument* of a faction, rather than the *faithful* deputies of the people.

Mrs. Mac-
aulay.

A total reformation in the ecclesiastical system, and the new modelling the system of jurisprudence, were the *two leading points* in which *every* member of the empire agreed, excepting those individuals whose interests were personally affected by a change. It was a point of union in which both the nobility and the people met; and several of those persons who have been the *loudest* in their exclamations against the conduct of the national assembly, for having *disappointed* their body of the largest share of the *spoils of the crown*, and who have since united themselves to the *mal-contentes* among the lawyers and the clergy, were the most active in the first movements of these grand points of reformation.

To begin with the reformation of the ecclesiastical system—It was thought by the French nation, that *one hundred and fourscore* millions of property, principally confined to the use of the *higher* orders of the clergy, and thus prevented from entering into the common circulation of other parts of property, was a *nuisance* in a treble sense. It was a *nuisance* in the first instance, as a monopoly; in the second, it was a nuisance, as giving a dangerous power to those who possessed that monopoly; and in the third instance, as it tended, by the *natural*

Mrs. Mac-
aulay.

course of moral causes in this *its excess*, to *corrupt* rather than to *encrease* and *invigorate* those *qualities of the mind*, and those *spiritual endowments*, which are to be desired in the teachers of religion. What real grounds there were for this opinion, so generally conceived by the French nation in the conduct of the clergy, I know not; neither shall I enquire, for *I am as little* inclined as Mr. Burke can be to insult the unfortunate: I shall only say, that as their temptations were *great*, and that their *nature* was not *superior* to human infirmity, it was *probable* they produced their *due* effects. But there is *one* sentiment in which I in some measure accord with Mr. Burke. I do most sincerely lament that the *exigencies* of the times would not *suffer* the national assembly to indulge their clergy in a life-enjoyment of their possessions. But this sentiment of mine is not of *so forcible* a kind as to destroy *all other* sympathies. It would not lead me, even if I possessed a similar portion of abilities with Mr. Burke, like him, to *endeavour*, by the animating power of declamation, so to condole with the sufferers as to combine all the energies of the *worst* passions of men in favour of my opinion. I should not attempt to *rouse* and *inflame* the resentment of the French clergy to a *repetition* of acts which have renewed scenes of violence, and by which, after the *manner of old times*, they have set up the standard of Christ crucified, to *arm bigotry* in favour of *their* pretensions. Neither should I, among the more peaceable members of that body, by
representations

representations the most touchingly affecting, open afresh those wounds on which it is to be hoped *religion has poured her healing balm*. Mrs. Mac-
aulay.

In the *attempt* to make the French national assembly *singularly odious*, for the confiscations they have made of the church-lands, Mr. Burke asserts, that in many instances they have more violently outraged the principle, as well as the forms of public justice, than has been done by any other preceding power. The examples he brings in proof, are the confiscations made by the fury of triumphant factions in the Roman common-wealth; and an example more in point in the person of Henry the Eighth; for Mr. Burke does *not choose* to extend his observations to the conduct of Denmark, Sweden, and other states, on their profession of the reformed religion. Mr. Burke considers the *violences* of Marius and Sylla to be *much graced* in the formalities of *false accusations of treason* against the *most virtuous persons* in the commonwealth; and that the tyrant Henry the Eighth, who seized the property of the clergy for his own private use, and the emoluments of his favourites, *dignified these acts of violence*, by assuming the character of the judge, and condemning the victims on *false pretences*. Surely the French clergy would not have thought themselves *better used*, if the national assembly had set on foot a commission to examine into the crimes and abuses which prevailed among them, and then to have governed their proceedings by reported truths, mixed with exaggeration and

K k falsehood;

Mr. Mac-
aulay.

falsehood ; surely this *mockery* of justice, *so much* used in old times, and this *covering* to the *deeds* of power, by *spoils torn* from the only consolatory remains of the sufferer, *his good fame*, will not be thought an example *proper* to have been followed, rather than the plain dealing of the French legislature.

But Mr. Burke has as great a dislike to the reform of the church police, as to the confiscations of the property of the more dignified part of the order. He is quite in a *rage*, that the *poor curates* should be taken out of the *hopeless poverty* into which they were plunged ; and he *cannot endure* those regulations which took place in the *best* times of Christian societies. That bishops *should be confined* to their dioceses, and the *care* of their spiritual administration, instead of attending courts, and lavishing their incomes in the pleasures of the capital ; and that the people should assume their rights of election, “ are solecisms in policy, which none but *barbarous, ignorant, atheistical minds* could dictate, and which no man of *enlarged capacity* and *generous passions* can obey.”

On that article of the French ecclesiastical policy which confines bishops to their episcopal administration, it may not be improper to observe, that bishop Leighton, the *most eminent* of the Scotch prelates for his *piety* and his *zeal* for that order, *ardently wished* that such a regulation should take place on their re-establishment in Scotland under Charles the Second. I am far from saying that
such

such a regulation is compatible with the state of things among us ; and I think so well of the moderation of the clergy, and their regard to the constitution of the country, that I wish they were as *independent* a body as Mr. Burke *represents them to be*. But surely if *gratitude* for *past favours*, the *hopes* held out to *ambition* for the acquiring *further preferments*, and a very considerable number of church-livings in the *disposal* of the crown, *can in any respect* influence the minds of the clergy, they cannot be said to be *totally* independent.

Mrs. Mac-
aulay.

I shall now take into consideration the second grand point of reformation, in which the nobles and people appear at first to have been in union, *viz.* the *new* modelling the system of jurisprudence ; but that a system of jurisprudence, formed by *ignorant barbarians*, from codes of law adapted to support the *despotic tyranny* of the *Roman emperors*, could not be in unison with the sentiments of an enlightened people, or capable of supporting the principles of a *free* government, was apparent to all parties : but personal interest, for reasons as apparent, at length produced an union between the lawyers and nobles. The national assembly *justly* thought, that laws dictated by the *humane* spirit of an enlightened age, would be but *ill* administered by a tribunal formed under the influence of the *rankest* prejudices ; and they conceived it as a *solecism* in politics, that parliaments, who had been especially appointed to see that the laws and regulations framed by the assemblies of the states-

Mrs. Mac-
aulay.

general, should receive no injury from the edicts of the monarch, should be kept as a controul over the standing authority of the nation. It was on this reason that the old independent parliaments, with all their merits, and all their faults, were abolished. Nor is it a wonder that in the change of the *prospect*, a change in the *sentiments* of the nobles should have taken place; for when they perceived that the system of the ancient tyranny was *better* adapted to their *personal* greatness than the *new order* of things, they, with Mr. Burke, looked on the parliaments as a *convenient* power, under which they might rally. What a *ready convenience* for the play of a *delusive* policy would it have afforded, if the parliaments, exerting their *old* authority under the crown, had pertinaciously refused to register the edicts of the assembly! What a display of eloquence *in favour* of the *privileges* of the *nobles* and the *clergy*, might have been seen in their *remonstrances* to the assembly! and what *useful* delays would it have afforded for the president of the national assembly, in the name of the majesty of the people, to have been obliged to mount the bed of *justice*, after the example of the late monarchs of the realm; and in case of an *incurable* obstinacy, for the assembly, through the means of the executive power, to have recourse to the *tedious* remedy of an imprisonment. With such advantages on their side, the *faction* in opposition would have had *reasonable* grounds of hope, that *centuries* might have elapsed before the constitution could

could have been in any sense of the word regenerated.

Mrs. Mac-
aulay.

Before I leave this subject, it will be necessary to notice, that Mr. Burke *condemns* the conduct of the national assembly for the distinction they have made in their treatment of the lawyers and their clergy, a distinction which I think every unprejudiced person will agree to be founded in justice, *viz.* the preference afforded the former by making them a suitable provision during life, in consideration that the civil offices, of which they were deprived, had been purchased with private property (as Mr. Burke observes) “ at an high rate.”

The prevention of a national bankruptcy was thought an object of the most *momentous* concern to the whole French nation. It was in order to avert this *impending* evil, that the states-general were permitted to assemble; and it was an object *principally* recommended to the deputies of the people, by their united voice. In this state of public opinion, the arguments so plausibly, and indeed so forcibly urged by Mr. Burke *against the right* of the monarch to mortgage the public revenue, will not render the assembly culpable for *endeavouring to keep faith* with the creditors of the crown. For though I never could perceive why, on any *good grounds of reason*, the people should *quarrel* with their new constitution, because the *prodigality* of the *old government* had involved them in *distresses* which were in their nature irremovable,

Mrs. Mac-
aulay.

which did not proceed from any *fraud* or *corruption* in their *new* servants, and which could not be mended by subjecting themselves to the *old* domination ; yet certain it is, that the *enemies* of the new constitution have beheld the arrival of a moment big with that temporary distress and confusion which must ever attend a national bankruptcy, with the *utmost impatience*, as of bringing with it a *sure* prospect of *victory*. What an *opportunity*, indeed, would it present, of setting forth *exaggerated* descriptions of public distresses, and of arraigning the members of the national assembly as the *sole* authors of the nation's wrongs ! The *anxious* and *provident* care which this assembly has taken to ward off this disaster, and also to avoid, in the present irritable state of the public feelings, the imposing very heavy burdens on the people, is certainly a mark of political *sagacity*, and, *being such*, is treated with the *utmost bitterness of disappointed rage* by their opponents.

On the subject of the difficulties which the French legislature have encountered in the task of regenerating the constitution, it is natural to turn our minds on the *paper-currency* they have established, and especially as it is a subject on which Mr. Burke has displayed the *whole force* of his ingenuity, to alarm the fears of the French nation, and to depreciate, and to render odious in their eyes, the conduct of their representatives.

On this subject I do profess a total ignorance : I have no financiering abilities ; and I wish with
all

all my heart, that this art which Mr. Burke represents as a talent the *most highly* necessary in those who conduct the affairs of state, and which I consider as deriving its practical use from its *deceptious* address in *picking the pockets* of the people, was not so necessary an engine in the present modes of administration. A few observations however, which must occur to every thinking mind, I shall venture to make. They are as follows: That the difference which Mr. Burke makes between the paper-currency of this country, and that which now subsists in France, is not *so much* in favour of England as Mr. Burke represents; for, as the French legislature have *not* issued more paper than they appear to have a *solid fund to support*, and a fund that is *obvious* to every man's eyes and understanding, its credit *ought not in reason* to have less stability than a paper-currency founded on *confidence*. For, though every man believes, and on good grounds believes, that the bank of England has a sufficient property to answer for the payment of its notes; yet still although *this belief* should arise to a *moral certainty*, it cannot be *superior* to a credit founded on an *obvious* fact. And should the French legislature continue this *wise* caution, of not issuing more paper than the state revenue can obviously support, whilst the revolution stands on its *present* bottom, this paper, *whatever may be* the exigencies of the times, must *always* be of *some value*; whereas a failure of our national credit would, it is generally thought, render the paper

Mrs. Macaulay.

Mrs. Mac-
ay.

money of this country of *no more worth than the intrinsic value of the paper.*

The diffusion of a general spirit of gaming, and the destructive practice of stock-jobbing, *are evils* which I am afraid in a more or less degree must ever exist with national debts; and the *larger* the debt, the *greater* will be *the degree* of evil. That this spirit prevails in our capital to a very alarming height, the history of the *bulls* and *bears* in the Alley will *abundantly* testify: that it has been the ruin of many a fair fortune, *thousands of sufferers* can also testify: that it has *enabled* and *tempted* *several* of those who are in the *secret* of affairs to *pillage* the public unmercifully, fame represents; and that the stocks have a *great* influence over the landed property of this country, which rises or falls according to their various fluctuations, the experience of the last American war *evinces beyond a doubt.*

All these evils, if evils they are, were *prognosticated* by those who styled themselves the patriots of their country, from the *first* establishment of a funded debt, to almost the present period of time; and the reasons they urged to enforce the arguments they used against the measure, appear to me sufficiently convincing to have induced a *cautious moderation* in our councils. But they were not attended to; they were represented as the *chimeras of discontented speculative men*; the *increase* of the national debt was set forth as both the *cause* and the *effects* of public *prosperity*; it was described as the *enlivening* principle of commerce, the *grand*
panacea

panacea that was to keep us in an *eternal vigour*, the *steady bold* by which all the members of the community were to be *bound* in the bands of loyalty ; and that there was *no excess* in the amount of the debt that could be attended with *any ruinous* consequences. Mrs. Mac-
aulay.

If such representations, so repeatedly made by a large party in the kingdom, and at present so generally adopted, are founded in truth, I cannot see how *causes* which have a *salutary effect* among us, should operate as *poison* to our neighbours ; and I have a *better* opinion of the policy of the national assembly in issuing their *assignats*, from the *strong* and *violent opposition* which was made to the measure by their *enemies*.

It must not be forgot, that, among the other economical regulations of the national assembly, that which has taken place in their *list of pensioners*, falls equally with other of their acts, under the severity of Mr. Burke's pen. The amount of the public money given to this description of people by the court, was indeed *enormous* ; and if we may give credit to the *Red Book* published by authority, there was *little* of the principles of *reason* or *justice* in the admeasurement of rewards to individuals, unless the *state* and the *country* are considered as *separate interests* in the account ; and that the pleasing or gratifying the *prince* and his *favourites* should be reckoned in the value of an *hundred pounds* to a *penny*, when set in the balance of *blood shed* in defence of the *nation*.

What.

Mrs. Mac-
aulay.

What indeed can escape Mr. Burke's censure, or what act of the French legislature can please him (but the dissolving themselves, and leaving the king and the nobles to form their own rules of power), when he finds subject for *reproach* even in their acts of *sympathy* to the *indigent* part of the *citizens*? That Paris was always crowded with a numerous herd of mendicants, even more numerous, if possible, than those who infest and disgrace our capital, is certain; and should their numbers have increased by the desertion of those opulent citizens who are out of temper with the government, it would neither be a *surprising* nor an *alarming* circumstance: but it is an evil that time alone can cure, when the shock of so important a revolution has spent its force, and when the *ill humour* which at present rages in the breasts of the discontented shall subside, and lead them to return into the bosom of their country, and under the protecting laws of a regular government.

In a very elaborate defence of all the artificial modes of greatness which have taken place in society, Mr. Burke has used all the powers of eloquence and subtlety to prove, that the crimes which have been committed by our species, have not arisen from the imperfections of institutions, but from the vices of individuals. In *one sense* his argument will be found to be *just*; in *another, negatory*: for though it must be acknowledged, that the crimes committed by Nero proceeded from the depravity of his character, yet the *opportunity*
of

of committing those crimes, and perhaps that very *depravity* of sentiment from whence they proceeded, lay in the vice of the *imperial institution*.

Mrs. Mac-
aulay.

With the same flow of eloquence, and the same subtlety, Mr. Burke recommends in all legislators, that *tardy* caution which suffers the *spirit of reform* to *evaporate* before their work is half-finished; "for the evils latent in the most promising contrivances," says Mr. Burke, "should be provided for as they arise; one advantage is as little as possible to be sacrificed to another; for thus we compensate, we reconcile, we balance, we are enabled to unite in a consistent whole, the various anomalies and contending principles that are found in the minds and affairs of men."

This *finely* imagined theory would undoubtedly be adopted by all wise and good legislators, did it in any manner suit with the *nature* of mankind, and that *leaven* of *selfishness* which taints *every principle* of human conduct. That perfect knowledge of human affairs which Mr. Burke conceives, and justly conceives, ought to be inseparable from the office of legislation, will convince men, that when new constitutions are to be formed, it is necessary they should, in their formation, be regulated in all their circumstances by those principles which the legislators conceive to be *the best*; for if any thing which may be thought *defective* is left for the wisdom of future legislators to *correct*, the constitution must *remain defective*, as future reformers will find their *difficulties increase*, instead of being *diminished*,

Mrs. Mac-
aulay.

diminished, by time. The reason is plain; for that which constitutes the *defects* in all governments, are those principles in them which support a *partial interest*, to the injury of a *public one*; and the *prescription of time* with the *politic use of power*, has been found an *irrefragable barrier* to every important part of *reformation* in the ordinary course of things.

The French legislature, in order to extinguish those local prejudices and provincial jealousies which formerly existed in the kingdom of France, arising from the different laws and customs which took place when the independent principalities were annexed to the crown; and also to regulate the rights of election in such a manner, as whilst it secured to the citizens at large this invaluable blessing, it should provide for the public tranquillity; conceived and executed a plan of dividing the kingdom into eighty-one departments. Each of these departments is divided into smaller districts, called *communes*; and these again into smaller districts, called *cantons*. The primary assemblies of the *cantons* elect deputies to the *communes*, one for every two hundred qualified inhabitants. The *communes* chosen by the *cantons* choose to the *departments*, and the deputies of the *departments* choose the deputies to the *national assembly*. A qualification to the right of election in the first instance, is placed at the low rate of the price of three days labour; the qualification of being elected into the *commune* is the amount of

ten days labour; and that of being elected a deputy to the *national assembly*, is only *one* mark of Mrs. Mac-
aulay.
silver.

This plan, in theory at least, promises to unite the highest degree of *freedom* with the highest degree of *order*: it extends the right of election to *every man who is not a pauper*, and as such, by living on the *alms* of society, cannot reasonably have a *right* to enjoy its political privileges; and whilst it thus encourages industry, by rendering it a necessary quality to enjoy these privileges, it opens the door to every man of ability to obtain the highest honours of his country. But this plan, so plausible at least in its appearance, and so exactly agreeing with the rights of the citizens in the *strictest sense* of the word, is criticised by Mr. Burke in a manner *highly unworthy* of his great abilities, because he descends to the *arts* of a quibbling sophistry. He accuses the legislature of not attending to their avowed principles of the equal rights of men, in *refusing* their *paupers* a vote. He asserts that the right of election granted in the first instance, is no privilege at all; and he foresees, that the most *fatal dissensions* will arise from regulations which seemingly tend to *harmonize* every jarring principle in the state, to subdue every prejudice of the mind hostile to the public welfare, and to combine all its affections in the character of a loyal citizen.

In opposition to Mr. Burke's accusation, that the legislature, in the qualifications they have annexed

Mrs. Mac-
aulay.

nexed to the rights of election, have acted in contradiction to their avowed principles of the equal rights of men, I shall, without sheltering myself under the cover of a practical use (which may be used to justify every mode of tyranny), assert, that the French legislature have, in those qualifications, adhered to the rights of men in the *strictest sense*, even as they exist in their *abstract* perfection in a state of nature: for, who ever conceived, that, in a state of nature, a man who was either not inclined, or by bodily infirmity not able, to till the ground, had a right to the fruits produced by the labour of others? In this case, either in a state of nature, or in a state of society, the *right of maintenance* depends alone on the *laws of humanity*, proceeding from that sympathy which the benevolent Author of our being has for the *best purposes* woven into the mental constitution of all his *moral* creatures. But these laws of humanity do not oblige men to yield rights with the *donation of alms*, and to put those whom their charity has relieved, into a situation of *forcing* from them the fruits of their industry. It is on the basis of *industry* alone, the *only* principle which exactly squares with a native right, and *not on rent-rolls*, that the legislature has formed the rights of representation; and this on such liberal principles, that every man who has activity and industry, may qualify himself, as to the matter of property, for a seat in the legislative assembly. As to the nature and operation of the privileges annexed to the first and second steps in
the

the gradation, I conceive that the regular degrees, which directly point to the grand privilege of choosing the representatives, whilst they totally prevent *confusion*, and the errors of a *blind* choice, do not, in *any* respect, render *nugatory* the right of its more *abstract* principle. For every man in the canton makes *his choice* of a deputy whom he thinks qualified by merit to represent him in the commune, and *every* voter in the commune has also *his choice* of a deputy to represent him in the department, who have a right to the choice of representatives.

Mrs. Mac-
aulay.

As Mr. Burke has made it a point to object to *every* part of the French constitution as it now stands, and to every act of the legislature which respects this constitution, I must follow him through all his objections, and state those reasons which appear to me to have regulated their conduct. It is true that a senate, or an assembly of men who have had some controul over the voice of the people, some power of mitigating, regulating, or carrying into execution their laws, has always had a place in the ancient republics : but Mr. Burke himself seems to allow, that they are not *absolutely* necessary in monarchies, or rather in any government which admits of a *standing permanent* executive power. It is true they appear to have been a necessary institution in the ancient republics ; yet history will shew us, that their tendency has ever been *hostile* to the principles of democracy, and often ended in the *ruin* of freedom. To the
pride,

Mrs. Mac-
aulay.

pride, the avarice, and corruption of the Roman senate, was undoubtedly owing the subversion of the republic. It is, I think, very little to the purpose of enlightening men's minds on the subject of modern government, to quote the reflections of ancient authors, or draw comparisons from ancient times which were totally unacquainted with that *excellent* policy, by which the people's power is represented, and brought into regular action through the means of deputation. An assembly of men *thus appointed*, seems to unite in it all the energy and fitness to the affairs of government of the Roman senate, in its most brilliant and perfect state, without the *latent* principles of *corruption* and *destruction* which lurked in this institution.

What Lord Bolingbroke could mean I know not, when he says that he prefers a monarchy to other governments; because every description of a republic can be better engrafted on it, than any thing of a monarchy upon the republican form; unless he refers to such a *qualified* monarchy as is confined to the *mere* office of an executive governor, with the *stability* that is annexed to *hereditary descent*; for sure it is *impossible* to engraft a democracy on any other description of monarchy. If this is his lordship's meaning, the French monarchy, as it now stands, will be found to agree *perfectly* with it; and should experience prove it to be defective for the want of such a member as a senate, the defect must be supplied with all those

cautious preventatives which experience can alone afford.

Mrs. Mac-
aulay.

The *limitations* of power, in which the executive magistrate is confined, affords Mr. Burke a subject for the exertion of *all* the powers of his oratory. He *deplores* the mortified state of the fallen monarch; he sees nothing but *weakness* in the government, and *confusion* in the affairs of the empire; from the want of a *proper influencing power in the executive, and that cordiality which ought to subsist between it and the legislative*. He conceives, that without such a *controlling* influence, the executive office is a state of *degradation*, to which *no man of spirit* would submit. And if the present king and his successors respect their *true* glory, they will take *every* opportunity which time may present, of shaking off the yoke of their imperious masters, and resuming their former independence.

To these animadversions of Mr. Burke, it may be observed, that most of the limitations of which he complains, are either *inseparable* from the security of the democracy, or they have their grounds in a *just policy* suiting itself to the present state of things. It is necessary that a popular legislature should be informed, through *other channels* than the *executive power*, of such matters as may import that body to know: it is necessary that all the means by which *a personal influence* may be established by the *grant of land and large pensions*, should be taken away; and for the same reasons of policy, it is necessary

Mrs. Mac-
aulay.

that the executive power *should not* be capable of *deluding the imaginations* of men, by creating *artificial distinctions* among them.

According to Mr. Burke's political creed, kings are only to *respect those* who serve their *personal greatness*; and it is his opinion, that the successors to the throne of France in the Bourbon line, *muß*, unless they are *illiterate men*, act on a principle *hostile* to the constitution which *they are sworn* to preserve. It is true, as Mr. Burke observes, this is *nature*; but are not those very *inclinations*, so inherent in man, the grounds for that *jealousy* which reflecting patriots entertain of *all persons* vested with the dangerous gift of *permanent* authority? And unless the present monarch of France, and his successors, shall conceive *very different ideas of glory* than they will *learn* from Mr. Burke; unless they shall conceive that the executing an office *faithfully*, reflects *more honour* upon them than any increase of *personal greatness* they can gain by *treachery*; there is very little probability that they will obtain from a popular legislature, that enlargement of power * which may reasonably be given when circumstances shall *convince* the public mind that there are no grounds for jealousy.

Mr. Burke extends his *commiseration*, *not only* to the person of the king and his royal issue, but *even* to the ministers of the crown in their civil capacity. In this commiseration, he *reprobates* a principle

* Such as the full exercise of the veto.

which

which is held out to the people of Great Britain as the grand *palladium* of their liberties, I mean the principle of responsibility; though the reprobation is indeed qualified by a distinction of *active* and *zealous* service, and the restraint of crimes. But it is a distinction which I cannot well understand; for if responsibility does not go to every part of a minister's conduct, in which he acts without due authority, it is indeed a *very* slight constitutional barrier against the *vices* of administration, especially when it is allowed among the prerogatives of our kings, that they may choose their own servants, and retain them in their office at pleasure: but will any minister who serves such a king (says Mr. Burke, when speaking of the present king of France) with but a decent appearance of respect, *cordially* obey the orders of those whom but the other day in his name they had committed to the Bastille? Will they obey the orders of those whom, whilst they were exercising *despotic justice* upon them, they conceived they were treating with *lenity*, and for whom, in a *prison*, they thought they had provided an *asylum*.

Mrs. Mac-
aulay.

This is saying *very little*, either for the disposition of the ministers, or for the *spirit* and *principles* of the ancient government. Nor can I see that these gentlemen have any *reasonable* complaints to make against the conduct of the French legislature. It is true they are denied a seat amongst them; but this exception is not made on any *personal* ground: they do not except against the

Mrs. Mac-
aulay.

abilities of these gentlemen, or their honesty as individuals; but they will *not* permit either a *real*, or a *supposed influence*, to control their own actions. They will not permit that the sanctuary in which the majesty of the people of France resides, should be *polluted* or *impeached* by any *suspicion of corruption*; and they will not endanger the liberties of their country, by giving *absolute power* any *motive*, which in the event of things may possibly tend to an *abuse of trust*.

The opinion which Mr. Burke endeavours to establish in his elaborate Reflections on the French Revolution, is the *incompatibility* of a truly popular government with the human constitution: and the subject which affords him the most ample scope for the display of his argumentative powers, is found in the investment of that military force which is necessary to the support of all governments; for if that force is trusted to the people at large, they may be tempted to act in their natural capacity, and, by destroying or weakening the energy of those organs by which regular councils are held and enforced, induce a state of anarchy. And if the support of the government is made to subsist in a regular standing disciplined body, under the control of an individual, that individual will become the *master of the people*, and *violate* the government he was appointed to *defend*.

Either the establishment or the overthrow of an opinion so fatal to the proud hopes of man, must be left to time and experience; for I am

sorry to say, that we have no notices on which we can attempt the construction of an opposite argument. We cannot venture to establish an opinion on the state of a country not yet recovered from the convulsive struggles which every important revolution must occasion. We can gain no light from history; for history furnishes *no example* of any government in a large empire, which, in the strictest sense of the word, has secured to the citizen the *full* enjoyment of his rights. Some attempts indeed have been made of this kind; but they have hitherto failed, through the *treachery* of leaders, or by the *rash folly* of the multitude. But though these circumstances will prevent cautious persons from giving a *decided* opinion on what may be the event of things, yet they do not so *benight* the understanding as to deprive the mind of hope. They do not prevent it from seeing that the present complexion of things in France has something of a different aspect from what history, or the state of other countries, presents to our view. Instead of that *barbarous ignorance*, or that *depravity* of *principle*, which are to be seen in other European states, and which might reasonably prevent the patriot from bestowing (if it were in his power) the full boon of liberty, we see a people *firm* and *united* in their efforts to *support* their rights, yet obedient * to the dictates of that government which they have appointed to defend them.

Mrs. Macaulay.

* Mr. Burke acknowledges this obedience, and calls it *fanaticism*.

Mrs. Mac-
aulay.

From what can this difference which subsists between the French nation and other societies arise, but in a more *general* diffusion of *knowledge*, and in a principle of action which consults the *public* good, as well as the gratifications of *self*? It is the business of *knowledge* to teach men their *real interests*; and it is to be hoped it will so far prevail over that *mist* which *inordinate* affections cast over the mind, as to enable the French municipalities to see, that if they so far *abuse* the power with which they have been invested for the defence of their rights, as to gratify a *private* passion at the expence of the *public* peace, they will induce a *necessity* which will lead to their *utter* destruction. It is to be hoped also, that a *true* sense of interest will enable the enemy to perceive, that the *moment they sling off the character of the citizen, and assume a controlling power over their country*, from that moment they become *individually slaves*; for the very circumstance in their condition by which this power must subsist, is a discipline inseparable from the *strictest subordination*, and which in *all* respects must militate against their civil rights. When the Roman army was in the very height of their power; when it was enabled to depose and murder emperors, and raise private men to the imperial throne; when they were enabled to ravage the empire at their pleasure, and exact largesses from its spoils; they were, in an *individual* capacity, the *greatest* of slaves.

The patriot Frenchman has a prospect of hope
which

which *never* yet offered itself to the view of society, and that is in the *disinterestedness* of those councils to which he has confided his right. The republican parliament of England, by their *inordinate* thirst after public offices, and by using their power to their *own emolument*, gave *too much room* for the suspicions of a divided people to act in their disfavour; and it must be acknowledged, that the interests of self have been observed to act as much in popular councils, as in courts. But the French legislature have set, in this point, an example *unparalleled* in the history of man. To a *bold* and *enterprising* spirit, they have united a *disinterestedness* of principle, which has deprived their enemies of *every* means of opposition, but *vain* declamation, *groundless* accusation, and *impotent* hope. Long may they continue the *admiration* of the world in these important particulars! Long may they thus continue to *aggrandise* the character of man! And long may they continue to deserve a *monument of esteem* on the minds of their species, which neither *time* nor *accident*, nor *adverse fortune*, *shall be able to efface!*

Mrs. Mac-
aulay.

SIR BROOKE BOOTHBY.

Letter to
Mr. Burke.

THE abolition of hereditary titles of honour, which has been considered as a mere wanton display of democratic envy or ill humour, had its peculiar necessity in the peculiar constitution of the body of nobility in France; differing *in toto* from any thing like what we know of here. That personal distinctions should be hereditary at all, is perhaps not very advantageous to public virtue any where; perhaps they ought to be reserved as the personal reward of public services: but however this may be, when they represent no respectable public character like the judicial or legislative peerage of these countries; when they serve for nothing but to separate the nation into the two foolish and unnatural classes of *gentil-homme* and *roturier* (a division which our language has not even terms to describe), they are then not only barren of any good, but very mischievously prolific in evil. The resources of honest industry or ingenious invention were forbidden even to the most beggarly *buberau*, so that the numerous poor nobility were really little better than *serfs* of the crown, shut up and ranged in garrisons and citadels, always ready to be employed against the people; while, on the other hand, the *roturier* by no merit however great and useful could ever be received into the other class. It is not I think possible to conceive

onceive a partition more unfavourable to liberty
 nd all virtuous exertion ! In vain might you have
 ought for a citizen in either of these classes ; and
 ne operation of this unhappy division accounts for
 nat miserable spirit of uniformity and imitation so
 triking in France to the slightest observer. Much
 more *indeed* might be said upon this subject, which
 must content myself thus barely to indicate.

Sir Brooke
 Boothby.

How far the wisdom and virtue of the leaders of
 he French revolution will be able to proceed to-
 wards forming the best possible government, time
 lone can shew. All political power consists of an
 aggregate sum of the natural rights and liberties of
 he persons over whom it is exercised. In a just
 nd equitable government, no more liberty will be
 aken from the individual, than is necessary to form
 n aggregate of power sufficient to protect the whole
 gainst each, and each against the other. The best
 government therefore is that, under what denomi-
 nation soever, where the smallest quantity of liberty
 s exchanged for the greatest quantity of protection.
 These legislators are certainly called to a most ar-
 duous task. They have not only the passions and
 nterests of their adverse parties, but, what is much
 more dangerous, their own to contend with. Power
 s the strongest of all tests of human virtue, an or-
 deal almost too severe for the infirmity of our na-
 ture. During the formation of a new constitution,
 a dictatorial power must however of necessity be
 assumed by the lawgivers ; and happily we are not
 without examples of such trusts faithfully exercised
 for

Sir Brooke
Boothby.

for the purposes of their institution, and then restored into the hands of the people. Let us then hope for the best. If avarice and ambition are strong motives, the love of glory in generous minds is still stronger; and surely no set of men in the annals of the world had even a brighter prospect of being consecrated to the eternal admiration and gratitude of posterity, than these men have, if they should complete what they have so gloriously begun.

But, alas! with the Gothic feudalism of France, learning and the fine arts, and honour and humanity have passed away from among men*; and Europe is on the point of being once more overshadowed with the darkness of ignorance and barbarity! Men will become illiberal, by becoming free! The liberty of the press will put a final stop to the diffusion of knowledge! Learning will not survive the loss of its syndics and licensers, its imprimateurs, privileges, and approbations! Honour must perish, by extending its influence over a multitude of persons hitherto excluded from its jurisdiction! Humanity itself will be driven like another Astræa from the earth, by substituting the soft gradations of unfelt dependencies to those violent and hostile distinctions which sever the commonwealth in twain; where one half fears and hates, and the other hates and despises! Farewel that tender and ever wakeful providence of government which suffered no rash word or extravagant thought to escape its vigilance! That salutary coercion

* Page 113, 114.

which silently disposed of a dangerous subject without scandal or alarm ! That beautiful inequality of conditions which, by dividing men into distinct and impassible orders of beings, taught them to love as brethren ! That convenient and levelling politeness which makes vice amiable and virtue unnecessary ! Farewel for ever those warm and fostering beams of arbitrary power, alone favourable to genius and courage, to great conceptions and great achievements ! It was under your benign and genial influence, not in the chilly atmosphere of a republic, that those miracles of valour and art were performed and produced, which have served as models to all succeeding ages, and which still continue to astonish the mind with the vast superiority of their inimitable excellence ! I confess to you, Sir, the little knowledge and experience I have, might have led me to conclude directly the contrary of all this. I should have been apt to think truth and sincerity and honesty and benevolence sufficiently lovely in the simplicity of their nature, without that prodigality of ornament and adscititious decoration which you seem to consider as so essential to them. Rich robes and costly jewels I should have thought might be employed with advantage to conceal the ugliness of the smoaky image of Loretto, but could add no new grace to the Florentine Venus or the Roman Apollo.

Sir Brooke
Boothby.

In your view of France you seem to have been so awe-struck with the magnificence of the court, and so enamoured of the rising beauties of the dauphines,

Sir Brooke
Boothby.

ness, that you had no attention left to bestow upon the people. If at your return from Versailles you had looked into the *Morne*, where the bodies of those unfortunate wretches whose miseries had drawn them to seek the last refuge from despair were daily exposed in frightful numbers; if you had followed the peasant or the artizan to his scanty meal on a morsel of black unfavoury bread, such spectacles would not have been lost upon a heart like yours. They would surely have abated something of your partial regard for the destructive splendour of a court, or the redundant and invidious wealth of a lazy and luxurious priesthood.

Among the institutions to be fundamentally reformed or utterly done away before any system of liberty could be established in France, the papal hierarchy stood prominent; and this is the institution whose defalcation and reform you seem most feelingly to deplore.—

No man, or body of men, under any pretence whatsoever, can assume the power of governing, or forcing the belief, the thoughts, the reason of others, without the most impious and foolish arrogance of the power of God. Religion, as a rule of faith by which we are to be saved or condemned in another life, must be the exclusive private concern of the individual, in which every man has an indisputable right to follow the light of his own reason, and to reject all authority founded on the reason of others. Law is a rule of action only, and cannot be extended to the sentiments and feelings of men. Those who
denounce

denounce to us eternal damnation as the consequence of error in faith, and then would force us to hazard our immortal souls upon their judgments who have no concern in the matter, contrary to our reason who have so deep an interest in it, are the most execrable of all tyrants. All temporal power in the church is of mere human invention, and amenable to human controul. Christ has expressly declared that his kingdom is not of this world. If the apostles were obeyed, it was from reverence of their virtues, and not from any obligation; they received the voluntary gifts of the brethren, but they laid no claim to a tenth share in every man's possessions or the produce of his industry. Excommunication was no more at first, as the word imports, than expulsion from a club or society; and bishops only men of the wiser and discreeter sort, chosen by the brotherhood to preside over their ceremonies and to instruct the ignorant, to whom all submission was entirely voluntary. In process of time this society became sufficiently strong to set all civil governments at defiance; and then that fatal confederacy between civil and ecclesiastical power took place, under which mankind has groaned for more than a thousand years. By this contract for the bodies and souls of men, the mind is first to be enslaved, and then the body delivered over to the secular arm, with its active principle, the spring of all its virtues and faculties, bound up in chains. From this complicated tyranny even death itself is no refuge. Its power extends into

Sir Brooke
Boothby.

Sir Brooke
Boothby.

the kingdom of darkness ; the miserable mortal who has not obeyed its ordinances here, who does not go to the grave clothed in the *san benito* of their inquisition, and carry in his hand the passport of absolution, is handed over to the agents of the hierarchy in another world ; to the discipline of eternal torment.

Hierarchy, considered as a religious institution, is contrary to the plain precepts of Christ, and to the whole tenor of the Christian religion. As a civil institution, where it has been most modified and reformed, it is at best an unnecessary burthen upon the industry of the people, and a dead weight in the preponderating scale of power. In this country it is perhaps one of those evils sanctified by time, which it may be more safe to endure than to remove ; but still calling loudly for reform. The ecclesiastical courts are a crying oppression. The miserable and inadequate provision made for the major part of the parochial clergy, is also a serious grievance. In the place where I live, the respectable clergyman, with a numerous family, does the duty of a most extensive parish for sixty pounds a year ; while, from the same parish, the dean of Lincoln receives a thousand per annum for doing nothing at all*. The constitution of the papal hierarchy

* One of the greatest and wisest men this country ever produced, strongly recommended it to reform these and other abuses 150 years ago. To those who assert it to be " against good policy to innovate any thing in church" matters, he says ; " This
" objection

hierarchy in France bore a strong analogy to that of her civil state; it exhibited the two extremes without the intermediate parts. The prelates were rich luxurious lords, and the country parsons rude and needy peasants. And can you, Sir, seriously maintain that religion is likely to suffer by transferring its ministry from such hands into those of a sober well regulated parochial clergy? The religion of Christ is peculiarly the religion of the poor and distressed; his mission more especially regards the meek and lowly. The mild spirit of charity and love, the sublime and simple morality, the endearing and consolatory doctrines of the gospel, will not lose their hold upon the hearts of men, because

Sir Brooke
Boothby.

“ objection is excellently answered by the prophet : Stand upon
 “ the *old ways* ; and consider which is the right or true way, and
 “ *walk therein*.” He does not say, *Stand upon the old ways*, and
 “ *walk therein* : for with all wise and moderate persons, custom
 “ and usage are indeed of reverence sufficient to cause a stand, and
 “ to make them look about them ; but no warrant to guide and
 “ conduct them, so as to be a just ground of deliberation, but not
 “ of direction : and who knows not that time is truly compared to
 “ a stream which carries down fresh and pure water into that dead
 “ sea of corruption surrounding all human actions ? Therefore if
 “ men shall not, by their industry, virtue and policy, as it were
 “ with the oar, row against the stream and bent of time, all institu-
 “ tions and ordinances, be they ever so pure, will corrupt and de-
 “ generate. And I would ask why the *civil state* should be purged
 “ and restored by good and wholesome laws made every session of
 “ parliament, devising remedies as fast as time breeds mischief,
 “ and yet the *ecclesiastical state* continue upon the dregs of time,
 “ and receive no alteration at all ?” Lord Bacon’s *Philos. Works*,
 4to. p. 308.

instead

Sir Brooke
Boothby.

instead of popes and cardinals, and archbishops and deans and canons, they are delivered to them by plain pastors, their own chosen and immediate guides. The power and authority of these teachers will be preserved by the same means by which the voluntary submission of free consciences was at first obtained by the apostles, “ * by wisdom, humility, “ clearness of doctrine, and sincerity of conversation, and not by suppression of the natural “ sciences and of the morality of natural reason, “ nor by obscure language, nor by arrogating “ to themselves more knowledge than they can “ make appear, nor by pious frauds, nor by such “ other faults as in the pastors of God’s church are “ not only faults but also scandals, apt to make “ men stumble one time or other upon the suppression of their authority.”

Men have in different periods resisted spiritual as well as civil tyranny, in various degrees, and with various success. The good sense and high spirit of this country cast off the bonds of Rome at the first dawn of reason ;

—Then might you see
Cowls, hoods, and habits with their wearers tost
And fluttered into rags ; then relicks, heads,
Indulgences, dispenses, pardons, bulls,
The sport of winds.——

The political part of the church government has,

* Hobbes.

I suppose,

I suppose been wholly dissolved by the late reformation in France, and this was certainly the most pressing object of a political revolution.

Sir Brooke
Boothby.

How much of the trumpery of the church of Rome has been suffered to remain I do not know, nor is it I think of much consequence. As soon as men are allowed the free exercise of their reason, these wretched inventions of ignorance and folly will be presently neglected and forgotten. With the temporal power, the spiritual jurisdiction, the vain and senseless theology of Rome will also pass away. The miserable distinctions and subtleties of the schools, their abstract essences and substantial forms, their explanation of the incomprehensible mysteries of religion by the incomprehensible metaphysics of the peripatetics, will cease to resound from the benches of the SORBONNE, and rest forever confined to the learned dust of its libraries.

You say, "that a vast majority of not the least learned and reflecting men of this kingdom," totally disapprove and abhor the whole foundation and proceedings of the Revolution in France. In the retirement in which I live, I have the good fortune sometimes to converse with persons deserving at least of this description (for they are not all confined to courts and capitals), and the result of my observation has been very different indeed from that of yours. These persons have appeared to me to consider the grounds and motives of this revolution as perfectly legitimate; to have tried it upon the principles of our own revered Revolution, and to

M m

have

Sir Brooke
Boothby.

have found in their verdict that the constitution of France *had been long subverted, the original contract between king and people long broken, and the fundamental laws long violated.* Far from considering the nascent liberties of France with envy or aversion, they seemed to look forward with a warm and lively hope to the final establishment of civil and religious freedom in that great nation ; perhaps to have extended their views into the beautiful perspective of general liberty and general toleration. Upon the wisdom or expediency of the acts of the national assembly they have not indeed appeared so ready to decide ; they have thought it more decent and respectful to suspend their judgment till the final hearing of the cause ; to leave to the persons immediately concerned the management of their own affairs, and the consideration of their own interests, and not to give extrajudicial opinions *pendente lite* in a suit in which they are neither plaintiff nor defendant, nor advocate nor judge.

Mr.

MR. CAPEL LOFFT.

I PROCEED to say a little on that part of Mr. Burke's Letter, which concerns the measures relative to the NEW CONSTITUTION OF FRANCE : in order to judge, in some degree, how far the means pursued, the principles adopted, the system introduced, have compensated for the actual or probable consequences of the conflict between public and partial interests.

Remarks
on the Letter
of the
Right Hon.
Edmund
Burke.

I shall not attempt to ascertain the degree of accuracy in his sketch of the NATIONAL ASSEMBLY. I suspect it must be considerably *caricatured* ;—not intentionally, but under the unperceived bias of prepossessions. I suspect it, from their popularity for so many and such trying months ; their stability against the aristocratic party ; their disinterestedness and fortitude, manifested, I think, in several important instances. I shall not attempt to discuss the question of their finance. I shall only say, that in all great changes the settlement of finance must owe much to time, as well as to diligence, industry, and integrity. It was so in America. And a gentleman has informed me, that in 1696, the notes of the BANK OF ENGLAND were so far from having established their credit, that they passed at a *discount*. The answer of *Themistocles* has a pertinence to this subject, when consulted by a man who wished his opinion concerning proposals of marriage

Mr. Capel
Lofft.

to his daughter : *Better a man of merit without money, than of money without merit.* A good constitution will find finance ; but finance will not find, or supply the want of a constitution.

There are many other points of a subordinate nature, and of local consideration, which I leave to the friends of liberty in that country : as I do the more full and circumstantiated explanation of the state of FRANCE previous to the REVOLUTION, their conduct at the time, and the present state of the people and government.

I shall observe, briefly, on some particulars respecting the CONSTITUTION which has been formed by the NATIONAL ASSEMBLY, and which struck me as the events were made known, before I could be apprised of their effect on the mind of any other person.

Though I acknowledge that the *revolution* itself was best conducted, and perhaps could only have been accomplished by a *single assembly*, I thought, and the opinion continues, that for a permanent form of government, a *senate* would have been highly expedient as a check on precipitate decisions, temporary influences of faction, and the mischief of more fixed cabals, derived from a conformity of partial interests. A leaven of this kind in a single legislative assembly, is in danger of acting secretly until it corrupt the mass, before the danger has excited any competent degree of alarm. Mr. BURKE, probably, does not hold the same views which would strike me relative to the appointment
and

and duration of this *senate*. Hereditary, I think, it should not have been : nor even for life, but for a fixed and moderate period. Mr. Capel
Loft.

I almost liked as little as I find Mr. BURKE does the circuitous mode of the choice of representatives. To maintain the spirit, and to answer the design of election, the relation, I think, ought to be immediate between the constituent and the elector. Mr. BURKE has given one of the most essential reasons for this so well, that I think it cannot be stated more clearly, or with greater strength. And farther, to all complexity in a political system, especially in the popular part of it, if it were less liable to direct exception, it is sufficient against it if it be unnecessary. It will be the sooner out of order : and the disturbing cause will be less easily traced, and the consequent mischiefs with more difficulty repaired.

Yet this circuit is less than Mr. BURKE supposes. Dr. PRICE correctly stated it in an appendix in the fourth edition of his Sermon. I have since had the account from a French gentleman. There are electors chosen in the primary assemblies of the citizens of each canton, and these electors when chosen convene in an assembly for the department, and choose the representatives of that department to be returned to the national assembly. There is therefore only *one* intermediate body between the people and the national assembly, instead of three, as Mr. BURKE has supposed.

I was never easy with the confiscation of the possessions of the church. And I think, independent

Mr. Capel
Lofft.

of the present convenience, the offer of the clergy ought either to have been accepted, or without accepting any thing in the shape of compromise, or seizing any thing, the national assembly should have exerted itself in the discovery of less invidious resources. The security of property to its present possessors, in the most trying circumstances of a state, is itself a grand resource ; and would have been a revenue worth more than all that was offered, or could be seized. A better distribution in respect of the body of the clergy, I think, does not cancel the objections to the seizure. The present possessors, in policy, and on higher considerations, ought, I think, to have been undisturbed ; unless, fairly and fully, any of them were convicted of crime ; and it was not the season to seek for such convictions ; which, in critical junctures, have the air of proscriptions in disguise. I have no doubt the property of the church, like all other public property, is subject to be modified by the state according to circumstances. But I think that where the state permits and has long established a fixed provision for a public order of men, a change in that provision is matter of regulation, with regard to successors, rather than of redemption from those who, without delinquency, thus hold it of the state. In this instance I readily testify the concurrence of my sentiments with those of one who has founded his celebrity as a distinguished writer, and as one of the first of public speakers, on no insubstantial basis ; but, like the justly admired *Roman*, on philosophy,

losophy, humanity, firm and penetrating reason. Mr. Capel
Lofft.
 His sentiments against the ademption of property from the hands of the present possessors, cannot be expressed better than in his own words, at a time when the possessions of the *French clergy*, or the passions and prepossessions connected with the wonderful event which has changed the whole system of government in that country, could not influence his judgment. Eleven years past, on presenting the plan of economical reformation *, he thus expressed himself concerning the patent offices in the Exchequer:—" They are sinecures—
 " they are always executed by deputy—the duty
 " of the principal is as nothing. They differ how-
 " ever from the pensions on the list in some parti-
 " culars. They are held for life. I think with the
 " public that the profits of these places are grown
 " enormous: the magnitude of those profits, and
 " the nature of them, both call for reformation.
 " The nature of their profits, which grow out of
 " the public distress, is itself invidious and grievous.
 " But I fear that reform cannot be immediate. I
 " find myself under a restriction. These places,
 " and others of the same kind, which are held
 " for life, have been considered as property.
 " They have been given as a provision for chil-
 " dren: they have been the subject of family settle-
 " ments: they have been the security of creditors.
 " What the law respects shall be sacred to me: if
 " the barriers of law should be broken down

* Page 61.

Mr. Capel
Lofft.

“ upon ideas of convenience, even of public con-
 “ venience, we shall have no longer any thing cer-
 “ tain among us. If the discretion of power is
 “ once let loose upon property, we can be at no loss
 “ whose power and what discretion it is that will
 “ prevail at last. It would be wise to attend upon
 “ the order of things ; and not to attempt to out-
 “ run the slow, but smooth and even, course of
 “ nature. There are occasions, I admit, of public
 “ necessity so vast, so clear, so evident, that they
 “ supersede all laws. Law being only made for the
 “ benefit of the community, cannot in any one of
 “ its parts resist a demand which may comprehend
 “ the total of the public interest. To be sure, no
 “ law can set itself up against the cause and reason
 “ of all law. But such a case very rarely happens.
 “ . . . The mere time of the reform is by no
 “ means worth the sacrifice of a principle of law.
 “ Individuals pass like shadows ; but the common-
 “ wealth is fixed and stable. The difference there-
 “ fore of to-day and to-morrow, which to private
 “ people is immense, to the state is nothing.”

After having made this quotation, which seems to me to comprise the strength of every thing which can be advanced on the subject, I shall add no more : being far less enabled to judge in this instance of the degree and extent of that necessity, which alone can constitute an exception, than of the strength, clearness, and equity of the general rule, and the obligation of adhering to it, as far

as possible, on every principle of policy and hu-
manity.

Mr. Capel
Lofft.

With the abolition of titles and armorial bearings, I cannot profess myself pleased. They conveyed no claim to legislative authority independent of choice. They have some reference to domestic sentiments of affection and respect : some tendency to cherish the remembrance of public virtue, distinguished in council and in the field. Many who possessed them, had not overlooked, in the artificial titles to respect, higher objects of generous ambition ; but had disinterestedly, and with zealous alacrity, co-operated in the cause of freedom. They had levelled, to make place for her temple, and to fix its foundations, whatever of their own could really menace its security. That many of them bore agnominations, which dwelt in the public ear, accompanied with the animating remembrance of courage, wisdom, and public virtue, from which they had not degenerated, could be no such injury to the public, at such a crisis, as to require resorting to a measure so very strong. That no advantage, absolute or imaginary, of any individual, should be wrested from him, if he can hold it consistently with the public welfare and freedom, is an obvious truth, I acknowledge : but so are all truths of the first importance : and it will not, for that reason, the less merit to be repeated. The truths, which are simplest and the most general, and consequently require the least reflection, are too apt to take the slightest hold of the mind ; to be soonest

Mr. Capel
Lofft.

lost in the ferment of the passions, whether private or general; and to yield the most easily to the novelty of specious wonders, suggesting themselves to the ardent mind in the pursuit of improvement.

If, in this instance, too little regard has been paid to prepossessions of one kind, too much seems to have been shewn in another to those of a different kind. The qualification for the exercise of the elective right, in the first stage, the local value of three days labour to the public, is too small to be any pledge of independence: and it infringes the principle which justly regards the choice of a representative as a right attached to the person of the citizen, not to his property. This inconvenience is very serious: and the more, because, once admitted in a new constitution, it has a tendency to furnish a basis for more and more restraints: though less so by its being estimated in labour, than if it had been appreciated in money.

The *deputies* to the NATIONAL ASSEMBLY must pay in direct contribution to the value of a mark of silver: and none can be elected to the *commune*, who does not pay the amount of ten days labour. Of these barriers of election and qualification, I fear Mr. BURKE has expressed himself not more forcibly than justly, when he speaks of them as impotent to secure independence: strong only in destruction of the rights of men.

Without speaking with such warm censure as

Mr.

Mr. BURKE, I confess myself, at least, doubtful, whether a representation, formed in three equal classes, on the distinct basis of territory, population, and contribution, has any such advantage as should give it a clear preference to the simple proportion adjusted by population only.

Mr. Capel
Loft.

With regard to the executive department, whether the taking the power in the first instance, of peace and war, out of the hands of the king, will be consistent with the independence and purity of the legislative counsels, with respect to foreign powers, ought not, I apprehend, to be too hastily decided in the negative. The drawing of the sword, and disposing of the lives of the subjects of the state, and of those of other states, by commencing war, is, indeed, a tremendous power to be entrusted to any individual: it is a power, enabling the caprice or private resentment of an individual so entrusted, to rob and murder on an unlimited scale (the terms are harsher than I would use, if others would express the fact), in the name of the community, and at the public risk of territory, safety, and estimation. The subsequent check, by withholding of supplies, is found, as might be obviously presumed, difficult in exercise, and of very doubtful effect.

In case of sudden *invasion* the executive power must undoubtedly act on the emergency. No law can be understood to derogate from this necessity of the national defence.

One remark only I shall make farther, which concerns

Mr. Capel
Loft.

concerns the *executive*: and that relates to the judicial department. I cannot speak unconcernedly of the purchase of an office in the administration of public justice. *Malè semper res geruntur quum quod virtute effici debeat id tentatur pecunia*. If the person purchasing is incapable, it is an act of corruption to admit him; if capable, the honour of the public, and a due attention to the individual, require him gratuitously to be admitted to an employ, which, without the highest crime, he cannot exercise otherwise than gratuitously. Therefore, far, therefore, I think was wise and necessary. But I cannot see in the same view the choice of judges elected for a short period. I apprehend, the experience and independence required in the judicial character militate against such an institution. He is to interpret laws, not to make them. There seems, therefore, no reason to dismiss him from his charge; as a *representative* should, at short and certain periods, find himself obliged to return for the approbation, or rejection of his constituents. Only proof of misconduct, or of intervening incapacity, should remove from the office: where its functions are exercised not summarily and in petty districts, but generally, and with the intervention of juries, with all the solemnity of a public tribunal. And whatever subordinate magistracies may be expedient, such judges appear necessary to the dignity, independence, and universal efficacy of public justice.

I think, therefore, Mr. BURKE appears to be well

well founded also in objecting to the want of adequate extent in the local comprehension of the new judicatures. Mr. Capel
Loft.

I have now offered whatever has occurred to me as chiefly worthy of attention in Mr. BURKE's letter respecting the principles and effect of our REVOLUTION; the constitutional inferences deducible from it; the leading points of popular right; and the principal defects, as they appear to me, in the constitution which has been recently introduced in FRANCE. If in these, or other points, it shall appear to the NATIONAL ASSEMBLY, or to the people from whom they derive their powers, that the new constitution requires reform, I see no reason for doubting the exercise of that wisdom and magnanimity, which the adoption of the necessary amendments would demand and imply. But with all its apprehended defects, and I have mentioned them with a respectful and zealous frankness, I think it signally preferable to that form of that government (if form it might be called) in the place of which it stands.

ANONYM.

ANONYMOUS.

Historical
Sketch of
the French
Revolution.

THE first reflection that I shall make, is, that the principle of resistance to despotism has had but a small share in the French revolution; its three great leading principles have been, the utter impoverishment of the clergy, the utter annihilation of all distinctions of birth, and the establishment of an entire equality between the mechanical and the liberal professions. The two first points have been carried; but those clubs, who call themselves the *friends* of the *constitution*, think their triumph incomplete, unless they can carry the third. Whoever doubts of this fact may be satisfied by reading M. Brissot's works, especially the Preface to his Travels in America.

When the states general were first summoned together, the universal voice of France proclaimed, that arbitrary power could no longer be endured. The majority of clergy, nobles, and commons, instructed their members to demand a constitution in which laws should be made by the people, subject to the king's negative*; judges should be named by the people, subject to the king's negative, and if approved by him, should receive their

* Several instances of such requests from the meetings of nobles are to be seen in Calonne's Etat de la France. And the Ami du Roi says, that the provincial gentry were strongly prepossessed against lettres de cachet.

Commissions for life, or good behaviour ; arbitrary Anonymous,
taxation and arbitrary imprisonment were to be {
utterly abolished. The king was at the mercy of
the states ; he might have temporised a little, but
the slightest degree of legal peaceable resistance
would have overcome the feeble efforts of his
court. The clergy had already given up their
exemption from taxes, the nobles were proceed-
ing in the same course, though not quite so rapidly ;
but the commons would be satisfied with nothing,
unless they at once resigned their independence as
legislators, and altered without examination the
tenures of their estates. From that hour party spirit
took the place of rational zeal, and two violent
factions turned against each other the arms which
they had received from their constituents to em-
ploy against despotism.

From that hour, the troubles of France have
been chiefly occasioned by the contests between
those classes of mankind which exist more or less in
every society emerged from a state of nature, a con-
test between the monied and the landed interests,
between landlords and tenants, between families
long distinguished and families rising from obscu-
rity ; and, worst of all, most implacable of all, a
contest between the rich and the poor. These are
contests of a much more fatal nature than contests
that relate to the deposition of a king, or to the
abolition of regal prerogative. In the latter case,
only a few courtiers are really much concerned ;
but here every man's personal and family interests
are

Anonymous.

are involved in the quarrel, and every individual is fighting *pro aris et focis*; consequently these are the contests that good men would be most unwilling to begin. They would consider whether it is not better to abandon many abuses, many prejudices to the lenient hand of time, and the gradual change of manners, rather than by a precipitate reformation inflame the passions of thousands, and leave the secret caustics of hatred and resentment to burn within their hearts for perhaps a century to come.

It were a tedious and difficult task to search into the latent reasons that have induced different portions of the world to adopt different forms of government; but the fact is certain, though the cause is obscure. Despotism has ever been the government of Asia; aristocracy has been the ground-work of all European governments, since that momentous period when the warlike tribes of the north enslaved the degenerate Romans; and democracy is, at this equally momentous hour, the first, the only government of independent America. I must avow my decided opinion, that utterly to annihilate in either of these continents that species of power to which the natives are accustomed, and to substitute an entirely new government in its room, would be both a rash and a criminal attempt. I should equally condemn the man who would endeavour to erect a democracy at Peking, and the man who would introduce hereditary nobility at Philadelphia. But by parity

of reason I must also condemn the anathemas Anonymous.
 lately poured out in France against those principles
 of hereditary distinction, which have for so many
 ages occupied the attention and flattered the
 vanity of Europeans, and which, in some coun-
 tries, thousands are from their cradles taught to
 hold as more valuable than life, and no less sacred
 than religion.

It must not be dissembled, that it is the happy
 success of the American revolution which has
 turned the heads of almost all the French philoso-
 phers. Dean Tucker was, perhaps, the first who
 discerned the rising tempest, and announced it in
 the second and sixth letters of his *Cui Bono*, ad-
 dressed to M. Necker. The *prophecies*, for they
 deserve that name, contained in the second letter
 are so remarkable that they ought to be read at
 full length in the original. But one extract from
 the sixth letter is so much to the point, that it
 must not be omitted :

“ America—is a rising empire, without *bishops* !
 “ without *nobles* ! without *kings* ! This, sir, you
 “ know, is the language of that celebrated repub-
 “ lican, Dr. Price. But perhaps you have never
 “ yet been told the name of the original author
 “ of that prophetic sentence. It was your own
 “ predecessor, the late M. Turgot. Now he is
 “ dead I am at liberty to declare it. In a letter
 “ of his, dated Paris, 18th of February 1777, he
 “ says, *Je fais des vœux pour la liberté des*
 “ *Americains, parceque ce sera le premier exem-*

N n

“ ple

Anonymous. “ ple d’un grand peuple qui n’ait ni *rois*, ni *m-
“ blesse.*”

Thus early did the levelling spirit arise in France, and such were the true reasons which made their philosophers so zealous in the cause of America.

Turgot had once been the minister of the present king of France, who is supposed to have sacrificed him to the resentment of his courtiers and clergy, and thus to have given the first proof of that fatal indecision which has, hitherto at least, rendered all his virtues useless. But if these were Turgot’s democratic principles, he was an unfit minister for any European king, whether despotic or limited. Men who abhor the European distinction of ranks in society, should go and inhabit that country where those doctrines are lawful and constitutional. It is the misapplication of the principle which is more censurable than the principle itself. America never had bishops, never had nobility, never saw royalty but through the medium of a governor’s temporary and precarious power. They had nothing to do but sever the thread which united them to the throne of England, and the democracy was already completely formed. They rigorously expelled all the royalists, and then set themselves down, not without parties indeed, but without those formidable parties which arise from the prejudices imbibed by different classes of men from generation to generation. Cannot the French politicians observe that it is safe and easy to de-
cree,

cree, " *that* never shall exist which never has ^{Anonymous.}
 " existed ?" but difficult and dangerous to say,
 " *that* shall cease to exist which has existed for
 " ages, and is still regarded by thousands with
 " veneration ?"

The republic of Florence once tried a similar experiment, as is recorded by Machiavel, who, with all his sins, was yet a friend to republican liberty, and therefore may be admitted as competent evidence.

After a dreadful civil commotion the nobles were expelled, and were obliged to purchase their re-admission to the privileges of citizens by laying down their coats of arms, their family names, and enrolling themselves amongst some of the trading companies. But did this violent treatment ensure peace to that distracted republic ? By no means. The nobles who submitted to this degradation still were considered as a distinct body of men *, the old factions were still kept up, and new ones arose between the rich and the poor plebeians, between the companies of merchants and those of mechanics †, till the republic, wearied out by incessant discord, sunk under the absolute power of the Medici family, who first paved their way to grandeur by courting the *Arti Minori*, or the companies of the inferior tradesmen. It might

* Those nobles were called *Nobili Popolini*.

† They were called *Arti Maggiori* and *Arti Minori*, and sometimes *Popolani* and *Plebei*.

Anonymous.

be no unprofitable speculation to compare the third and fourth books of Machiavel's History of Florence with M. Brissot's preface, where he complains that merchants and bankers consider mechanics as their inferiors; and to observe how similar passions operate alike in distant ages.

The national assembly have guarded with infinite care against the invasions of kings and of certain privileged classes, but have left the door wide open to noisy, turbulent demagogues, those pests of a free constitution, who wear the mantle of popularity, nay sometimes of charity, to cloak their unbounded ambition. Nothing can guard against their malevolence and rapacity so effectually as the fixed established power of *one man*, assisted by a certain number of *ancient families*, to whom the people are accustomed to look up with respect; I do not mean with servile respect, but with that *free subordination* which, however Mr. Burke's opponents may have laughed at the phrase, will ever be the surest pledge of good government on one side, and due obedience on the other.

A pamphlet has been lately published in which an English leveller, for we have a few *animals* of that *genus* in England, a leveller, illuminated, I suppose, with some inward light, first discovers the abolition of nobility in the Revelations, and then expatiates in much better language than might have been expected from such wildness, on the vices, the weaknesses, the incapacity of hereditary nobles: he tells us how they shrink in times of
civil

civil confusion before those nobles by nature, who are gifted by Heaven with superior talents which require not the fostering aid of birth or education. I adopt his epithet and allow his assertion, but retort his reasonings on himself, and insist on the utility of *nobles* by *political convention* to counteract the *nobles* by *nature*, till he can prove, not by reasonings *à priori*, but by the surer guide of experience, that *nobles* by *nature*, when possessed of unbalanced power, are not fully as tyrannical and cruel in their government as they whose vanity is fed by the recollection of an illustrious line of ancestors.

Anonymous.

It was an observation of classical antiquity, that the generality of tyrants were, in their origin, demagogues set up by the people to overturn the nobly-born and the men of property. A long list of names might here be inserted (not much to the honour of *nobility* by *nature*) of men, who, from low and mechanical stations, have risen to sudden power by the force of original genius, and have grossly abused their talents. Cleon, the leather-feller, at Athens; Agathocles, the potter, at Syracuse; the tribune Saturnius; the warrior Marius, in ancient Rome; Rienzi, the attorney, in modern Rome (though Rienzi had something generous in his purpose); Massaniello, the fisherman, at Naples; Menzicoff, the pastry-cook, favourite to Czar Peter; Biron, the son of a groom, favourite to Czarina Anne:—these make but a small part of the list of those tyrannical *nobles* by *nature* under

Anonymous. whose government, whether it lasted ten days or twenty years, no Englishman would have wished to live.

Writers of the levelling class insist with no small complaisance on the triumph of the parliament generals, taken from shops or from the plough, over the generals selected from amongst hereditary nobility. But they ought to remember, that such a traditionary remembrance is left behind of the arbitrary conduct and insolent behaviour of Cromwell, and Ireton, and Desborough, and Harrison, and all the demagogues and committee-men of that unhappy period, that until length of time shall have obliterated the deep impression, England will not be disposed again to submit to the sole government of *nobles* by *nature*, although it will readily admit such characters to work their gradual way into the participation of power, and shame the torpid vanity which slumbers upon the scutcheons of its ancestors.

But none of these moderating principles are now to be admitted in France, no medium is to be adopted in argument, no examples from history are to be allowed to weigh with metaphysical reasoning, the pride of birth is to be utterly exterminated : it is become the hackneyed topic of abuse to every declaimer, and no journalist thinks he has given a good account of a book *, if he

* As an instance, when the *Mercure* gives an account of the life of the late Marechal Richelieu, a very vicious nobleman, it
does

he has not inserted some reflections against hereditary distinction. I am ready to acknowledge the ill effects it has often occasioned when carried to excess; but are we, therefore, to destroy any one principle which, by the universality of its influence, appears congenial to human nature? Anonymous.

These vain and airy pretenders to philosophy ought to know, that it would ill become a true philosopher to extirpate, if it were possible, one weakness from the human mind, unless he could be sure at the same instant to extirpate the weakness that leans to the opposite class of follies.

If pride of birth could be extinguished whilst the pride of wealth remains, it would be of fatal consequence. The former is much more analogous to noble feelings, and much more convertible into something like virtue than the latter.

The desire of perpetuating our memory and of raising our descendents above the common level, will ever exist whilst the relation exists between parent and child; or if some unknown power could abolish it, woe be to the human race, it would probably sink many degrees nearer to the brute creation. Then, surely, is not the desire of leaving our children honours less likely to produce base actions than the desire of leaving them a mass of wealth? The French legislators have probably been aware of that difficulty, and have

does not so much attribute his vices to his irreligion and want of principle, as to his aristocratical pride.

Anonymous.

boldly tried to counteract that second and most common shape of the universal passion of raising a family, by proposing one general law of gavel-kind. They have carried one half of their original intention ; for it is decreed, that the personal and real estates of all who die intestate shall be equally divided, but they have not yet been able to take from a father the power of devising his estate to his eldest son. It is, however, a favourite topic with republicans, and will, probably, be revived in the present assembly. They have never considered, whether such a law would not encourage that dangerous and sensual egotism which leads a man to say—Why should I labour to improve an estate which must be sold after my death to facilitate an equal division ? Why should I take much care of my property, since it will never enrich any one of my children ? Let me live without wife or children, enjoy momentary pleasures, and *eat and drink, since to-morrow we die.*

A rigid, unalterable law of gavel-kind would, perhaps, answer very well in a country of primitive simplicity, and unacquainted with any art but agriculture ; but in the present age of refinement, luxury, and fondness for great cities, there had need of many trifling attachments ; such as affection for the farm our father improved, or the country-house he built, or the parks that travellers used to visit, or twenty other ideas, equally natural though equally unphilosophical, to counteract the fascinating influence of great cities, and of that voluptuous indolent

lent life, which men of moderate but independent personal fortunes may so easily lead in those seats of dissipation. These arguments are not intended to prove that no laws should be made to prevent the excessive accumulation of landed property in a few hands, but to shew the difficulty of making such laws as will not substitute some fresh evil in the place of the evils intended to be removed.

Anonymous.

But the French republicans seem to have argued that when nobility, gentry, and family influence were destroyed, the morals of the world would mend of themselves; an expectation in which I doubt they will be grievously disappointed.

But put the case, that this extirpating system should succeed in France, let us consider how it will be received in countries more devoted to ancient prejudices, and from thence conjecture the probable influence of the French revolution upon the freedom and the tranquillity of the rest of Europe.

I must join with many other friends to moderate liberty in expressing my apprehensions, that the extent to which this revolution has been carried, instead of hastening will retard the progress of liberty, and when she does come (for her hour must come at last), it will cause her footsteps to be disgraced by bloodshed and anarchy.—All good men ought to rejoice if such melancholy expectations should prove vain, but they are too consonant to another of the weaknesses of human nature—that obstinacy which attaches men with redoubled

Anonymous.

bled ardour to every little distinction which their rivals seek to efface. The fury with which the national assembly has attempted to * *beat down prejudices with a sabre*, has made it the interest of a multitude of counsellors to divert princes from advising with the people, or beginning the reformation of ancient abuses. Formerly that interest was confined to a few profligate courtiers, but now it is extended to all that bear the name of *gentlemen* or *priests*.

If we in England are somewhat hurt at the proscription of the very words *nobility* and *gentry*, what sensations must the Germans (for instance) experience, with whom the prejudice of noble birth is carried to a height, that we Englishmen, placed in our happier medium, can scarcely tolerate, or even conceive? Do French philosophers imagine that their eloquence will at once persuade a German, vain of his *fifty-two quarters*, and his epithet of *hogebornen*, that the title of *citizen* is infinitely more honourable, and is *all* that the member of a free state should ever desire?—As well might they preach to a bramin on the banks of the Ganges, that it was no dishonour to be excluded from his cast!

Since the writers of the French side of the question have indulged themselves in a hundred romantic visions on the happiness caused by this

* *Sabrer les préjugés*, is an expression of censure used in the Leyden gazette.

revolution, not one of which visions has as yet been realised, why may not one of their opponents be indulged in a romance on the contrary side? Anonymous.
 Let imagination picture forth the states of France assembled, the commons persuaded by some really wise men to endure the balancing power of a house of nobles, and contenting themselves with establishing equality of taxation; the courtiers awed to silence; the king yielding, whether from sense or from softness would then have been of little consequence; the Bastille opened by common consent, and a solemn covenant entered into between the king and the three orders of the state, with this difference, that as they contented themselves with settling the privileges of *Frenchmen*, and left the rest of the world to itself, they would not have voted a declaration of the *rights of man* one day, and in the next, that it did not include negroes and mulattoes. Gentlemen and landed proprietors obliged to reside on their estates, if they hoped for influence in elections*, would have felt the necessity of popularity amongst their tenants and neighbours, and in the next states general, if not in the first, would have given way to the gradual alteration of feudal tenures. The glorious flame of liberty would have spread through Europe, but it would have been a lambent flame

* That influence is by some confounded with the corruptions of burgh-tenure. But what have the French substituted in its place? The influence of clubs!

that

Anonymous. that warms and cherishes, not the flash attending a thunderbolt that withers and consumes every object placed within reach of its influence. The nobles of other enslaved countries would have learned that it was more glorious to lead the people on to freedom, than to participate in their oppression; kings would more easily have given way, when they saw that the French monarch had never for a moment lost the veneration which they naturally think is due to royalty; all those boasted discoveries of the natural equality of man might still have been made, slowly indeed, but smoothly and securely, and the European institution of hereditary nobility, though it ceased to be the moving spring of government, might still be retained as the counterpoise and regulator.

Another kingdom has lately made itself conspicuous in Europe by a revolution, which, though far from being perfect or secure, may possibly realise in some degree the visionary picture which I have ventured to draw. But it is enough to excite a smile of contempt to see a revolution intended to suppress anarchy, perpetually confounded with a revolution which suppressed despotism, or to hear the French vainly boasting that the example of their revolution has induced the Poles to correct the abuses of aristocracy.

The partition of Poland was such an unparalleled lesson to the aristocratic pride of the Polish nobility, that it convinced them of some of their errors, when a hundred volumes of levelling declamations

anations by Messrs. Sieyes, Condorcet, and Brissot, Anonymous.
 would probably have hardened them in obstinacy. }
 It is a real *fact*, not a *supposition*, that when the admission of deputies from the towns was first proposed to the diet, some haughty nobles urged the example of France as an objection to the measure, and a proof that if the people were admitted to the legislation, they would totally extirpate nobility. Happily the galling remembrance of foreign tyranny obliterated these fainter impressions of remote danger. But such a remembrance will not induce to terms of conciliation the nobles of Germany, or the senators of Venice or of Berne, who never yet thought themselves liable to the infamy of a Polish partition.

It should also be observed, that the law which favours the rights of burghers and citizens passed in the month of April, antecedent to what is commonly called the Polish revolution, which did not take place till May, 1791.

It may seem a strange assertion at first sight, but that particular transaction, graced by the popular name of a *revolution*, instead of being copied from the French revolution, bears a resemblance to the unsuccessful attempt of the king of France to establish a constitution drawn up by his ministers on the 23d of June, 1789.

Nay, a friend to the king of France might state the two events in such a manner, as would give the palm of true patriotism to his master. His parallel might run as follows :

Stanislas,

Anonymous.

Stanislas, born a private gentleman, elected by foreign influence to a nominal crown, and confessedly no more than the chief magistrate of a republic, having assembled his diet to correct the erroneous constitution of Poland, and finding that their time was consumed in useless debates, comes suddenly to the assembly, having previously called out the armed burghers on whose affection he could depend. He draws forth and reads the plan of a constitution, in which he gives himself an authority strictly limited indeed, but yet an authority greater than his predecessors had enjoyed for ages; and what was an action of still greater violence and unwarrantable, except from extreme necessity, he changes an elective into an hereditary monarchy. He stifles the clamours of the minority by the louder voices of his own partisans, and obliges the diet to vote the constitution and swear to its observance before he leaves the hall.

Louis, descended from the most ancient royal family now existing in Europe, born to absolute power, and educated with the idea that it was his right, becomes at last sensible that his people ought to have a share in the government, and assembles his states according to ancient forms. Instead of giving him the advice which he expected, they not only dispute with one another (as in Poland), but bring the kingdom to the eve of a civil war. He calls them together, and reads them the plan of a monarchy less strictly limited, indeed, than England or Poland, but yet undeni-

ably

ably a limited monarchy, in which he divested himself of powers which his ancestors had exercised for above 300 years, and endeavoured to compromise the disputes between his subjects. He tells them, in too peremptory a tone, that he expected obedience; but he quits the hall, and leaves them to their debates, uncontrolled by his presence.

Anonymous.

If the attempt of Louis was an invasion of the liberty of a national assembly, the attempt of Stanislas must be condemned by the same arguments. Yet Stanislas has been rewarded with acclamations and statues, and celebrated as the saviour of his country. Louis was rewarded with scorn and abhorrence; his attempt has been emphatically styled "The last crime of despotism," his throne and life have been endangered, and he has received affronts, which, though he may forget, it will be very difficult for *his people* to think he has forgotten. Whilst, after all, the real difference was simply *this*—Stanislas was sure of his party, and conducted a change of government with greater steadiness.

I have written these observations rather in the character of a French royalist than in my own. I venerate the character, and am convinced of the patriotism of Stanislas; but it has happened to him as to Gustavus Vasa, that his interest and his patriotism have most fortunately coincided. The constitution which he has established is, like all the works of mortals, liable to objections; but it would be invidious to descant upon its imperfections. Its

authors

Anonymous.

authors have not, like the French legislators, provoked reciprocal illiberality by illiberable declamations against all other governments.

May the present constitution of Poland remain unshaken by factious resentment, and be gradually amended by temperate wisdom, and may it prove an antidote to the poison of the French revolution, by shewing to Europe that clergy and nobility can be reformed without being annihilated. Such are the wishes of one who neither desires the name of an aristocrate nor a democrat, nor yet of a bigot even to the British constitution, but a friend to well-balanced liberty, whatever be the nominal form of government.

But a very important consideration now presents itself. The partisans of the French insist, that if their favourite revolution produces no other good effect, it will strengthen the bonds of amity between heretofore rival nations, convince them of the folly of war, and introduce a general spirit of peace and harmony. This is the principal argument contained in the Appendix to the late Dr. Price's Sermon ; but is, in my opinion, a much less plausible argument than those arguments that assert the natural rights of man. I can see nothing like a proof, except the complimentary expressions of the clubs of Lille or Dijon, or Quimper, and the *ipse dixit* of the national assembly ; an *ipse dixit* which, as I shall afterwards shew, may be easily evaded.

As this is an argument very interesting to all

the nations of Europe, it deserves to be carefully examined, and set in different lights. Anonymous

And here the first question must be, what is there in the natural spirit of a democracy, even of the new French species, a royal democracy, which authorises philosophers to think that it breathes universal peace and concord more than any other institution? It is certainly the government most favourable to needy adventurers, and war is an easy way to repair an adventurer's broken fortune. It is certainly the government under which all violent passions display themselves most openly, and the passions of the inhabitants of different democracies, stirred up to action, may as likely produce a war as the passions of two kings. The experience gathered from history confirms this supposition, and the 5th and 6th pages of Dr. Price's Sermon, where he mentions the baleful effects of a mistaken love of our country, contain an indirect avowal of it.

We have been accustomed in these last ages to see great armies desolate the earth at the command of one man, and we are apt to forget, that there was an earlier age in which the earth was equally desolated by hundreds of small armies, where every individual soldier was inflamed to vengeance by the sense of his own wrongs as well as the wrongs of his country.

M. Mirabeau might, if he pleased, tell the national assembly that there would be no wars,

O o

when

Anonymous,

when there were no tyrants and no slaves*; and the national assembly (many of whom were no scholars) might be pleased with this beautiful picture: but it is impossible that men of letters, such as Messrs. Price and Priestley, could in their hearts be satisfied with this more than oriental fiction. Were the Athenians and the Spartans mercenary slaves, and governed by the rod of tyranny, when their mutual dissensions shook the quiet of Greece? But it was, perhaps, the opposite form of their government which engendered this lasting hatred.

Then let us observe the Romans and Carthaginians, whose constitutions resembled each other in substance, though they differed in particular circumstances, and behold Spain, Italy, Africa, the whole circuit of the Mediterranean, deluged with blood, and the enmity never ceasing till the first commercial city of the ancient world sunk amidst devouring flames. Will it be said that Rome had an hereditary ambitious nobility†? (for nobles are the demons whom the modern French creed considers as the authors of evil.) Then let us return again to Greece, and view Athens and Syracuse (two as complete democracies as ever existed); we may observe Athens assailing

* A doctrine which, from other passages in his works, it is plain he did not himself believe.

† It is believed by learned men, that Carthage had no patrician order, but an elective senate; yet Carthage was almost as ambitious as her great rival.

Syracuse

Syracuse by the most unprovoked invasion ; and Syracuse, in revenge, violating public faith by the murder of Nicias (the very general who, as long as he dared, had opposed his countrymen's fury), and treating the Athenian prisoners with a refined and lingering barbarity, which exceeds all that the tyrant duke of Alva inflicted on his wretched victims. When, in defiance of such examples, peace, and concord, and humanity, are represented by scholars as the natural consequences of republican principles, one is tempted to suspect, that these empty declamations only cover some lurking infidious purpose, which the declaimers are as yet unwilling to acknowledge.

But recent examples have more influence than ancient histories, and can better enforce our argument : let us therefore examine the history of England for the last two hundred years, and consider how many of our bloody and expensive wars are justly to be charged to the executive power, upon whom such writers as Horne Tooke and Mr. Paine are so willing to lay the whole censure.

It is apparent to the most superficial reader of history, how much of the unpopularity of James the First was owing to his indolently pacific temper, and how eagerly the whole nation longed to embark in the foreign wars, occasioned by the fruitless attempt of the elector palatine to possess himself of Bohemia.

His son, the unfortunate Charles, was driven
 O o 2 into

Anonymous.

into a short war with France by the caprice and unwarrantable passions of his favourite, Buckingham. That war, however, was popular, till Buckingham was defeated at the Isle de Re ; the English ardently wished to invade France, and succour the Protestants, engaged in a civil war with their king ; nor can there be a greater proof of this assertion, than to observe, that twenty years afterwards the republicans reproached the unhappy Charles on his trial, with having abandoned the Protestants of Rochelle, and seemed to consider it as one of those crimes which deserved a sentence of death.

Between the death of Charles and the usurpation of Cromwell, England was a republic governed by a single assembly. Holland, at that time, had no stadtholder at the head of its government ; and it might have been argued, *à priori*, that these two republics would feel the advantages of peace and concord. Instead of fulfilling that expectation, they engaged in an obstinate and bloody naval war, fomented by commercial jealousy.

The same jealousy continued after the restoration, and produced the second Dutch war, whose more immediate cause was the particular rivalry between the two African companies.

It is very true, that James, duke of York, and some other courtiers, had shares in the English African company, and therefore some of the blame of that war may be imputable to the court. But the brother of speaker Lenthall, had he been at the head

head of a commercial company, might have had just as much power to kindle the flames of discord as the brother of Charles the Second. Anonymous.

The third Dutch war followed in 1672, and was evidently the sole act and deed of the court, contrary to the interest and the temper of the nation. The consequence was, that the parliament, even under the Stuarts, had power enough to enforce the unanimous will of their constituents. They did not, indeed, refuse all supplies, but their coldness and dissatisfaction were so evident, that Charles found himself obliged to relinquish the dangerous plots in which his criminal rashness had involved him.

Few words will be necessary to defend the war of 1689. As Louis openly avowed his intention to support the cause of James, it was necessary to abandon all the benefits of the Revolution, or to embark in a tedious and expensive war against France.

The present century commenced with the war of the Succession, to which the nation was impelled by three causes, distinct from the military ambition either of William the Third, or the duke of Marlborough: the affront offered to the English honour, by Louis having insolently proclaimed the pretender king of England—jealousy of the wealth French merchants might acquire by trafficking with Spanish America—and the still stronger jealousy, that France would possess itself of the coast of

Anonymous. Flanders, and thus be enabled to over-awe our trade and navigation.

I will not enter into the long-disputed question of the merits or demerits of the treaty of Utrecht; I shall only observe, that the Whigs (the ancient Whigs of Mr. Burke) were loud for war and the faith of alliance, whilst the opposite party preached peace abroad with as much zeal as passive obedience at home.

After the accession of the Brunswic line there followed a long cessation of arms, interrupted only by some disputes with Spain, in which the court was, perhaps, more concerned than the nation, but which did not occasion any considerable expence; but towards the close of Sir R. Walpole's administration, the whole nation entered with such unanimity of violence into a commercial quarrel with Spain, as is alone sufficient to refute those declaimers who charge all wars upon the executive power.

Sir R. Walpole had, doubtless, some blameable qualities, which might justly make him suspected by a nation jealous of its liberty, but his aversion to war (according to modern ideas) ought to have *covered a multitude of sins*. On the contrary, it was the deadly sin which precipitated his fall; it was the quality against which all the orators, and all the poets, and all the wits, who *called* themselves patriots (and some of whom *thought* themselves such), directed every shaft of eloquence and of ridicule,

The

The honoured names of *Thomson* and of *Glover* are to be found amongst the bards, who, like Tyrtæus of old, sung the praises of glorious war, and deprecated a tame submission to wrongs; the effect of that popular ballad, called *Hofier's Ghost*, is not yet quite forgotten, nor the admiration bestowed on that bold stroke of oratory of lord Chesterfield, when looking on the tapestry which represents the defeat of the Spanish armada, he exclaimed, "These walls, my lords! these very walls blush for us!"

Anonymous

The next war, the successful but expensive war of 1755, was equally fomented by the clamours of our American colonies, and of the merchants who traded with them. But as the Americans endeavoured to deny the fact, when called upon to bear their share of the heavy burden, to which we had submitted for their sakes, it is possible that some of their republican friends may prevaricate in their turn, and doubt whether the war of 1755 was the work of the nation more than of the court. To convince them, I will insert some extracts from a pamphlet, called *Naked Truth*, which had its run in that day, since it reached its third edition*.

A pamphleteer, though he may have but little merit in his style, or his argument, must state the temper of the people justly, or he will scarcely obtain that rapid sale, which is the only honour or profit he can aspire to.

* It was printed for A. Price, Fleet-street, 1755.

Anonymous.

“ Naked truth is always disagreeable to weak
“ minds; as they compose the bulk of mankind,
“ she is most hateful to the multitude.

“ I know it is as dangerous to write against po-
“ pular prejudices as against tyrants.

“ Let us call back a few years, and see with
“ what ardour the merchants cried out for a
“ Spanish war; a few ships were plundered, a
“ captain lost his ears, no satisfaction would go
“ down; even men of sense supported the party.

“ We sent a noble fleet, covered the sea with
“ our ships, and the islands with our soldiers; but
“ what return? We buried twenty thousand men
“ without a battle.

“ Whence came the disappointment? From the
“ war’s being improper, and drove on by popular
“ clamour. By believing those popular prejudices,
“ or not daring to oppose them, the government
“ was forced to carry on the war in unwholesome
“ climates.

“ It is hurting a prince, or minister, greatly, to
“ urge them by popular clamour to a war. A
“ magnanimous prince, hearing such clamours, is
“ unwilling to stem them; lest his glory should
“ suffer;—and a wise minister must give way to
“ the joint cry of the people, and urged-on cou-
“ rage of the prince, though he knows the
“ danger.

“ The merchant, manufacturer, shipbuilder, and
“ infinite numbers employed in fitting out shipping,
“ may cry for war. *Great is Diana of the Ephe-*

“ fians,

“*fans*, said the shrine-makers: perhaps they ^{Anonymous.}
 “ would be less violent, would they but consider
 “ what a desperate reckoning was paid for their
 “ short harvest at the beginning of the late war.”

As the war of 1755 was in great measure urged on by the merchants, so the treaty of Paris was rendered unpopular by the same merchants, who did not find that it gave them as many monopolies as they expected.

But another complaint arose against the ministry of those days, less, perhaps, to have been expected from the former temper of the nation. The maxims of lord Bute's politics almost coincided with this sentence of Horne Tooke's Address: “ Separated
 “ as we happily are by nature, from the tumults
 “ of the continent, we reprobate all systems and
 “ intrigues which sacrifice the blessings of our na-
 “ tural situation.” Immediately the patriots took the same turn as the whigs had many years ago taken on the peace of Utrecht: nothing was heard of but the “ advantages and necessity of foreign
 “ alliances, and particularly of an alliance with
 “ Prussia. Faith to our allies was preached up
 “ as the first national duty; insulating ourselves
 “ from the continent was said to be the policy
 “ of the Stuarts.” Continental connections were the policy of king William; and hence it was *charitably* concluded, that the maxims of the Stuarts would predominate under the present reign, whilst the maxims of the friends to liberty were to be dis-
 regarded.

Mr.

Anonymous.

Mr. Burke was angry that we did not go to war for the independence of Corfica ; others wanted us to forbid the partition of Poland, and the quarrel of Falkland-island wanted not kind patriots ready and willing to blow it into the same flame, as the quarrel about English smugglers under the administration of Walpole.

That *unknown being*, that Junius, equally admirable for his eloquence, and detestable for his malignity, exhausted all his powers to render the king odious, for his willingness to accept of a slight satisfaction ; and used many arguments to prove that it was the interest of a prince who aimed at absolute power at home, to avoid foreign wars, and stifle a military spirit in his subjects*.

At last the nation had a war, which turned out the most expensive and disgraceful war of any that has happened for three hundred years, and has almost cured us of our martial frenzy. I will not dispute to whom those calamities were principally owing ; but will allow, for argument's sake, that the chief blame was due to the executive power. I shall only observe, that the same quarrel might have arisen under a popular government ; for when England was a republic, the Long Parliament passed votes, asserting the right of England to bind its colonies by laws ; that the sense of the people was by no means at first unanimous against

* I confess, this is no particular argument against Horne Tooke, who was no friend to Junius ; but Junius had then more admirers than Mr. Horne.

It; that as soon as lord Cornwallis's defeat had rendered the nation unanimous, the executive power was obliged to give way; and that when the people found out that their *brethren* the Americans exacted as severe terms as the French or Spaniards could have done, they grew enraged at the peace, and turned out the minister who had signed it.

Anonymous.

From the following historical discussion we may conclude, that of nine or ten wars which have happened since the year 1600, only one-third of the number are really imputable to the crown; that the people had influence enough to put an end to two unpopular wars, out of this small proportion; and that of four celebrated treaties of peace made during this century, three of them ruined the popularity of their authors, the earls of Oxford, of Bute, and of Shelburne.

All the French writers make the same complaints of the restless ambition of England, that we were accustomed to make of France; they continue the same opinion of our conduct in their books published since the Revolution; only they kindly suppose that all the blame lay in those *odious beings*, named kings and ministers. I will be less severe in my censures; I believe the English nation has never been hurried into a war, but under the specious idea of punishing oppressors, and relieving the oppressed; but it has often been deceived by those nobly-sounding words, and deceived by patriots oftener than by kings; consequently, however advisable it might be to diminish the influence

Anonymous. fluence of the executive power for other reasons, the pretence that it would insure peace to this harassed country is a *base prevarication*, sufficient to corrupt and poison all the arguments with which it is joined.

Let us turn our eyes towards the new republic of America, and see whether its *republican virtue*, so idolized by M. Brissot and others, has kept it in an uninterrupted state of peace. It has been lately engaged in a cruel, predatory war with the neighbouring Indians; and if savages wrote pamphlets, perhaps they could tell as many instances of the rapacity of land-jobbers, as Europeans can tell of the ambition of kings. President Washington concluded a regular treaty of peace with the Creek Indians, and immediately the American newspapers informed us, that the Georgians complained of his neglect of their interests. In one word, experience demonstrates, that in all free states, when government is warlike, opposition recommends peace, and clamours for war whenever government is peaceable. And this evil will probably remain incurable, unless some *ingenious metaphysician* can invent a republic without any executive government at all.

It may be answered to these arguments, that supposing free states in general to be capable of ambition as well as kings, yet the renunciation of the French national assembly to all views of conquest makes them an honourable exception to the general case. No doubt this renunciation
 sounds

found very nobly, but it admits of more than one Anonymous.
 evasion. {

In the first place, the words actually inserted in the constitution are less strong than the original vote of the assembly, which renounced conquest in general. It now stands, "The French nation renounces the undertaking of any war with a view of making conquests, and will never employ its forces against the liberty of any people." But here is no renunciation of keeping the conquests made during the course of a war, as an indemnification for the expences incurred. There are very few instances of conquerors who have openly begun a war with professing an intention to conquer; they have usually invented some plausible colour of treaties violated, or of wrongs received by their subjects or their allies.

In the second place it may be asked, whether a *voluntary submission* is equivalent to a *conquest*, and whether its acceptance is an invasion of the liberty of other nations? If any one is desirous to know how such sophistry was anciently vindicated, and how such *voluntary submissions* were anciently procured, let him read Mitford's History of Greece, especially those chapters that treat of the rivalry between Sparta and Athens. A few years ago it would have been pedantic to introduce Athens and Sparta into modern politics: but since we behold empires founded on principles more democratic than have been avowed since the decline of ancient Greece, it well becomes impartial reasoners

to

Anonymos. to look back on the effects such principles ~~and~~ produced on the morality and the happiness of a country which discontented philosophers have falsely represented as a kind of Elysium.

None of the Grecian states ever made a formal renunciation of conquest; yet it was generally understood, that none of them could exercise the rights of conquest over one another*. Meanwhile every independent Athenian burgher indulged a vanity and ambition as insatiate as ever turned the head of a despot, and some expedients were requisite to gratify these craving appetites. Those leaders who sought power by courting the democracy, Themistocles, Pericles, Alcibiades, and worst of all, that low-born, low-minded villain, Cleon, carefully cultivated the friendship of the malcontents in their neighbouring countries, and privately held forth the protection of Athens to all who wished to revolt against their magistrates. Magistrates are not gods, and, therefore, it is not difficult to find out some who had the vices of men to answer for as well as their fellow-citizens. The glorious insurrection took place, the magistrates were banished or murdered, and Athens was invited to take under its sheltering wing this generous people, who were exerting themselves in the cause of democracy.

* Not, at least, over those who sent deputies to the Amphyctonic council.

MR. CHRISTIE.

THE new constitution of France, as settled by the national assembly, was preceded by, and founded upon, a Declaration of the Rights of Man in society.—To this were afterwards added the following nineteen constitutional articles, in which the general rights of mankind were applied to the particular case of the French nation.—

Letters on
the Revolution of
France.

I. All powers proceed essentially from the nation, and can proceed from it alone.

II. The French government is monarchical: there is no authority superior to the law ;—the king reigns by it alone, and it is only in virtue of the laws that he can require obedience.

III. The national assembly has acknowledged and declared, as fundamental points of the monarchy, that the person of the king is sacred and inviolable, that the throne is indivisible ; that the crown is hereditary in the reigning family, from male to male, in the order of primogeniture, to the perpetual and absolute exclusion of females and their descendants, without intending to prejudge the effect of renunciations.

IV. The national assembly shall be permanent.

V. The national assembly shall consist but of one house.

VI. Every legislature shall be for two years.

6

VII. The

Mr. Christie.

VII. The renewal of members of every legislature shall be of the whole of them.

VIII. The legislative power resides in the national assembly, who shall exercise it in the following manner:

IX. No act of the legislative body can be considered as law, unless made by the representatives of the nation, freely and legally chosen, and unless sanctioned by the monarch.

X. The king may refuse his consent to the acts of the legislative body.

XI. In the case of the king refusing his consent, that refusal shall be only *suspensive*.

XII. The suspensive refusal of the king shall cease at the second legislature, after that which shall have proposed the law.

XIII. The king may invite the national assembly to take any measure into consideration; but the propounding of laws belongs exclusively to the representatives of the nation.

XIV. The creation and suppression of offices cannot take place, but in consequence of an act of the legislative body, sanctioned by the king.

XV. No contributions in kind or in money can be raised, and no loan either direct or indirect made, otherwise than by a special decree of the assembly of the representatives of the nation.

XVI. The supreme executive power resides exclusively in the hands of the king.

XVII. The executive power can make no laws, even provisional, but only proclamations conformable to the laws, to ordain or incite to their observation.

XVIII.

XVIII. The ministers, and the other agents of the executive power, are responsible for the employment of the funds of their department, as well as for all infractions of the law they may commit, whatever be the orders they may receive; and no order given by the king can be executed, unless signed by his majesty, and countersigned by a secretary of state, or by the manager of the department.

Mr. Chrif-
tic.

XIX. The judicial power cannot in any case be exercised by the king, nor by the legislative body; but justice shall be administered, in the name of the king, only by the tribunals established by law, according to the principles of the constitution, and the forms determined by law.

The national assembly may be said to have founded their constitution on a new territorial division of the kingdom. The ancient provinces were already *morally* dead—their privileges, jurisdictions, peculiarities, were annihilated; and as their extent and limits were settled by chance and caprice, without any regard to convenience or utility, and in place of any valuable purpose, served now only to keep up the remains of old feudal ideas, the assembly judged it right to abolish them, and substitute a new and more equal division.

France is now divided into 83 departments: each department into districts, not fewer than three, nor more than nine: each district into cantons, of about four leagues square of France. There is

Mr. Chief-
tic.

in each department and in each district, a *chief place*, or town, where the *administrative assembly of the department or district* is to be held. The *electoral assembly* of each department is to sit alternately in the different chief places of all the districts in the department.

I shall be a little particular in my account of this measure, as it will furnish me with an opportunity of giving you a specimen of Mr. Burke's *accuracy*. And if you perceive in him, who had near twelve months to compose his work, some very singular mistakes in matters of fact, I hope you will be inclined to forgive in me those errors I may have committed, in a hasty production, compiled in the few leisure hours of business, of not so many weeks.

By some unaccountable negligence or mistake, Mr. Burke criticises the new division of the kingdom of France, after the *report* or *project* of the committee, Sep. 29, 1789, or that of M. Thouret, Nov. 2 (and after neither with accuracy), instead of the plan that was really adopted by the assembly, in their decree. Hence his account teems with errors. They have divided, says he, their country into 81 departments (*there are 83*), regularly square (*they are not regularly square*): these divisions are called departments. No man belonging to one of these regions will shortly have any country (*he means province*). No man can be attached to a piece of square measurement (*it is not square*). He never will glory in belong-
ing

ing to the chequer No. 71, or to any other badge-
 ticket (*the departments are not so numbered, each
 has a name; and if there be any utility in such local
 pride, why may not a man value himself as much, on
 belonging to the department of the Seine for instance, as
 on belonging to the province of Normandy?*). These
 departments they subdivide into 1720 (*say 720*)
 parts (*their number is not fixed, and may be altered
 according to circumstances*), called communes (*they
 are called districts*); and these again into still smaller
 parts called cantons; in all 6400 (*say 6480*).
 The primary assemblies of the cantons elect de-
 puties to the commune (*district*), one for every
 two hundred qualified inhabitants (*they choose the
 assembly of electors, who are totally a distinct body from
 the assembly of the district in the proportion of one
 elector for one hundred active citizens*). These
 communes (*districts*) chosen by the canton, choose
 to the department (*it is the reverse*), and the
 deputies of the department choose their deputies
 to the national assembly (*neither one nor the other
 have any thing to do with the choice of deputies to the
 national assembly*).

Mr. Chris-
 tie.

In such a system, says Mr. Burke, there is no
 connection between the representative and the
 first constituent. There are *three* elections before
 the representative is chosen, &c. All this is er-
 roneous. The members of this assembly are not
 chosen in that circuitous way described by Mr.
 Burke. The primary assemblies of the people
 choose the *electoral assemblies* of the departments,

Mr. Chris-
tie.

and these assemblies choose both the members of the administrative assembly of the department, and their representatives in the national assembly*. Thus there is but one medium between the great body of the people, and their deputies to the assembly. It resembles the constitution of the towns in Scotland, where the magistrates or municipal assembly choose an *assembly of delegates*, and these delegates appoint the member of parliament. It is far superior to it in another respect, for the electoral assemblies of France are chosen by the *primary assemblies*, which consist of *all* the citizens, except paupers, servants, and bankrupts; while the delegates of Scotland are appointed by municipal officers, who elect one another in succession, *ad infinitum*, without the concurrence of, and frequently contrary to the general sense of the citizens.

Mr. Burke seems not even to have understood that *Sketch*, on which he improperly founded his censures. For M. Thouret says, "If any one has imagined, that this division would be accomplished by perfect geometric squares, which would make the surface of the kingdom a *chequer board*, he might have recollected, that the mountains, rivers, and towns, already exist-

* They also elect the *judges*; for it seemed to the French legislators as reasonable that they who are to be *judged* should appoint their own *judges*, as we think it, that they who are to be *taxed* should appoint their own *tax-masters*. They appoint the *bishops* too, following the maxims of the primitive church, in which the bishops were always elected by the people.

"ing,

“ing, would not allow us to draw lines directly
 “from east to west, or from north to south over
 “France. But since the execution will not be
 “in this way, and that the curvatures which local
 “and other circumstances occasion, will be ob-
 “served,” &c. &c. He had before said, in reply
 to those who objected, that the ancient divisions
 into provinces would be quite confounded by this
 new arrangement, that local conveniency, and the
 old limits of the provinces, would be every where
 respected as much as possible.

Mr. Chris-
 tie.

M. Mirabeau offered another plan of dividing
 the kingdom, in which he criticised that of the
 committee, and anticipated some of the strongest
 objections that have been proposed by Mr. Burke.
 “I wish,” said he, “a real and *de facto* division,
 “adapted to localities and circumstances, and not
 “a mathematical division, almost ideal, and whose
 “execution appears to me impracticable.” He
 wished neither to have communes nor cantons, in
 order to bring the representatives nearer the re-
 presented, &c.

The assembly also published the opinion of M.
 de Bengy de Puyvale, Nov. 5, in which the plan
 of the committee was farther criticised, and in
 which we may again see Mr. Burke anticipated.
 You form, said M. de Puyvale, equal divisions,
 which give unequal results; you establish uniform
 bodies, which present no uniformity in their func-
 tions or utility.—Like M. Mirabeau, he also argued
 on the necessity of having as few mediums as possi-

Mr. Chris- ble between the electors and their representa-
 tie. tive.

Nor was the investigation yet complete; for the national assembly of France proceed a little more gravely than Mr. Burke is pleased to represent, at the time when he is condemning their labours, and making mistakes in his account of them. They printed farther the opinion of M. Pison du Galland, Nov. 10, who criticised both the plan of the committee, and that of M. Mira-beau, and gave a new one of his own.

Next came M. Thouret, who in his 2d Discours, Nov. 9, reviewed all these plans, and defended that of the committee. In his 3d Discours, Nov. 11, he renewed the same labour, and answered a variety of objections.

On January 8th, M. Bureaux de Pufy read a report of the committee of constitution respecting the new division of the kingdom, intended to apologize for the *slowness* of their progress, in executing this great design, and to explain more fully the principles on which they had proceeded in carrying it into effect. The committee own that they had sometimes departed from the *letter*, but never from the *spirit* of the assembly's decisions. "We have thought," said they, "that the happiness of the people being the end of this new division of the kingdom, it was necessary, above all things, to insure the success of that operation; and for that purpose it was essential, not to break asunder too rudely the moral and political
 " ties

“ ties which exist between the different parts of
 “ the empire. We have thought that it was not
 “ sufficient that the assembly had formed a great
 “ and sublime plan ; but that it was also necessary
 “ to convince the nation of the utility that must
 “ result from this extraordinary enterprise—that
 “ this conviction must be the fruit of moderation,
 “ patience, reason, and time,” &c. &c. They
 add, that they directed all the provinces to settle
 amongst themselves the boundaries that divided
 them from each other, and then to give in plans
 of such *subdivisions* as they thought most suitable
 to their commerce, agriculture, manufactures and
 local situations ; which plans the committee con-
 stantly adhered to, as far as was at all possible, in
 consistence with the great principle by which they
 were ultimately to be governed. They went on to
 give a history of their proceedings, and to state the
 reasons for fixing the extent of each department
 by name, and for assigning to Paris a department
 of its own, unconnected with the country around.

Mr. Chris-
tie.

The assembly published also M. Rabaut de St.
 Etienne's New Reflections on the new Division
 of the Kingdom, addressed to his constituents ; an
 eloquent and animated paper, which explains the
 advantages that would arise from this measure,
 and affords additional proofs of the caution, care,
 and wisdom with which it had been executed.

Even after the decree was passed, which settled
 every thing relative to this important measure,
 room for farther discussion, on several particulars

Mr. Chris-
tie.

of it, was left open. Local complaints and remonstrances were received, and a general answer to them all given in a report of the committee of constitution, Feb. 15, by M. Dupont.

Had Mr. Burke taken the trouble to read this decree, or the ample *instructions* annexed to it, he could never have committed such mistakes as he has done on the subject. The whole system is there clearly delineated. The 21st art. of sect. 1. declares expressly, "There shall be but *one* degree of election between the primary assemblies (of all the active citizens) and the national assembly;" and in the *Instructions*, sect. 3, it is observed, "Thus the subdivision into *departments* and *districts* is of no utility or application to the mode of election to the *legislative body*. The spirit which dictated this disposition (in the 21st article just noticed) has acted with a view to preserve more completely the purity and reality of the representation, by rendering the influence of the represented or their representatives more direct and immediate."

The general system of the new government of France I shall now endeavour to exhibit.

The inhabitants of France are divided into—
1. the KING.—2. the PEOPLE, being natives or foreigners.

T H E K I N G .

IT is the peculiar glory of the French revolution, that, being a revolt against *principles*, not against *persons*, it brought no hardship on the latter,

latter, except where they opposed the former. Néver was the fate of the monarch more mild, during such a convulsion of the state, than that of Louis XVI. Mr. Burke, who on this subject has the faculty of viewing every thing *awry*, is blind to this. He does not see what is extraordinary and great in the case, but he sees what is common and trifling—the temporary inconveniences which the king suffered, at a time when all ranks of men were suffering, and which indeed were principally occasioned by his own want of steadiness, and occasional deviations from those principles which in general governed his conduct.

Mr. Chrif-
tie.

Nothing is more certain than that the king of France never had any such feelings as Mr. Burke ascribes to him. I am sure if he were to read the book, and names were omitted, it would never enter into his head that he was the person alluded to in it. Mr. Burke knows the character of Louis XVI. as well as I do ; but it did not suit his argument to speak of the real man : so he has made a *stage-person* of him, and ascribed to him sensations that he never felt, and which if he had felt, he would not have been placed in a situation where they would have been called forth.

It is fit, however, to inform those who may not know it, that the king, who is a benevolent good man, has been from the beginning a sincere friend to the revolution. He was well convinced, before it happened, that his people were oppressed and unhappy. It was not he, but a set of worth-
less

Mr. Chris-
tie:

less great men who profited from that oppression. When the *Livre Rouge* was published, the amount of private expences disbursed for the king's personal use, was found to be very trifling. The king indeed was made the dupe, in many instances, of that aristocratic cabal of profligate great men, who had got the power and revenues of the kingdom into their hands, and who employed them in a manner equally humiliating to the monarch, and oppressive to the people. This is the true state of the case—very different from Mr. Burke's account of it. In the subsequent charges respecting the regal power, Mr. Burke upbraids the people of France with a desire to insult a mild and gentle monarch. The very reverse is true. No man wished to insult Louis XVI. : there is not a prince in Europe more beloved by his subjects: but the legislators of France wished to diminish the power of all kings, so as to render it consistent with the happiness of their people. With *persons* they had no concern; all their regulations pointed to *principle*.

“ It must be owned,” said Mounier, “ that our
“ want of a constitution in France has not been
“ hitherto favourable to the crown. Very often
“ audacious ministers have abused its authority—
“ how many times have plans, formed to promote
“ the happiness of the people, experienced ob-
“ stacles which have compromised the majesty of
“ the throne ! Has it not been forced to struggle
“ incessantly, and almost always to a disadvantage,
“ with

" with the pretensions of (aristocratic) bodies, and
 " a host of privileges ?" Mr. Chris-
 tie.

" There are some (said M. Alexander de Lameth, Nov. 11) who would persuade France, and all Europe, that the friends of liberty are the enemies of royalty; but the real friends of the king are those who have destroyed the parliaments, the clergy *as an order*, and have annihilated the remains of feudality—these hideous monuments of ancient usurpations on the right of the crown. The true friends of the king are those who have destroyed all the intermediate tyrannies which separated him from the nation, and have established his grandeur on the sole and sacred basis of an alliance between the throne and the people."

This was well illustrated by M. Thouret, in the debate on the residence of the public officers, March 28, 1791. By whom, said he, do we find now revived these maxims of ancient superstition towards royalty which were never of any use but to degrade the true majesty of kings? By these *nobles* who supported despotism, merely that they might be despots themselves, in the provinces under the name of *commanders* and *governors*, and in their domains under the various titles attached to the feudal tyranny—by that *clergy* who, in the consecration of our kings, in the very words of the liturgy, arrogated to themselves the right of *giving the crown (per hanc traditionem nostram)*; and in exchange obliged the king to swear to maintain their usurped privileges—by these members of the
 parlia.

Mr. Chris-
tie.

parliaments, who never granted the king absolute authority, but on condition of his letting them have a share of it; who repeated continually that apothegm, "If the *king* will, and if the *law* will;" because, considering themselves as the *law*, they thus contrived to put themselves on a footing with the sovereign.

The decree of October 1, 1789, contains these declarations:

The French government is a monarchy. There is not in France any authority superior to the law. The king reigns by the law, and it is only in consequence of the laws that he can demand obedience.

Amongst the fundamental points of the monarchy are these:—that the person of the king is sacred and inviolable—that the throne is indivisible—that the crown is hereditary in the reigning race, from male to male according to primogenitureship, and to the perpetual and absolute exclusion of females and their descendants.

Nov. 9, 1789. The title of the king was changed from king of France, to *king of the French*, and nothing is to be added to it.

June 9, 1790. His annual revenue for defraying his personal expences, and those of the queen, the education of the royal children, establishments of his aunts, that of his sister, buildings, royal wardrobe, guards, &c. is fixed at twenty-five millions annually, besides the revenues of domains, parks and forests, of the royal palaces and country
seats,

seats, which, taken at a moderate computation, will be five millions more—in all, thirty millions of livres, or about 1,250,000*l*. The queen's jointure four millions, 160,000*l*. annually.

Mr. Chrif-
tic.

Aug. 27, 1790. The assembly having desired the king to mention what palaces, country-seats, &c. he wished to retain for his residence or pleasure, his majesty, in a letter read that day in the assembly, expressed his *final* determination on this subject, and named the *Louvre* and *Tuilleries* at Paris, and the palaces and seats of *Versailles*, *Fountainbleau*, *Compiègne*, *St. Cloud*, *St. Germain*, *Ram- bouillet*, and the *Chateau de Pav*, in the country.

The supreme executive power resides solely in his hands. He is the supreme head of the army and navy.

None of the acts of the legislative body can become laws, without the sanction of the monarch, which is thus given: "*The king consents, and will make it be executed.*" Nov. 9, 1789.

He may refuse his sanction. This is termed the suspensive *Veto*, and thus expressed, "*The king will examine it.*" Nov. 9.

This suspensive *Veto* does not extend to *articles of the constitution*. These the king necessarily *accepts*, because he does not *make* the constitution, but agrees to it as formed by the nation. If he were *above* the constitution, he would be an *arbitrary* monarch, instead of a *constitutional* king.

The king's refusal is efficient until the second legislature after that in which the law was proposed.

Mr. Chris-
tie.

posed. Then, if the assembly persist, it must become a law.

The king cannot make laws, even on temporary occasions, but solely issue forth proclamations conformable to laws already made.

Justice shall be administered in his name; but judicial power cannot be exercised in any case, either by him or the legislative assembly, but solely by the tribunals and judges established by the laws.

He is to choose his own *ministers, ambassadors, and servants.*

By a decree of June 5, 1790, the salary of ministers is provisionally fixed thus :

The chancellor or keeper of the seals	100,000
Controller-general of finances - -	100,000
Secretary of state of the king's household	100,000
of war - -	100,000
of marine - -	100,000
of foreign affairs -	180,000

Other ministers, and such as the king shall think fit to call, to profit from their talents - - - - - 80,000

By a decree of March 10, 1791, the office of *minister of finances* is abolished. The national assembly decree taxes; and the assemblies of departments, districts, and municipalities, levy them on the people. The ministers of war, marine, &c. demand what is necessary, each in his department, and are responsible for the application of it. The public treasury is put under the management

agement of six commissioners named by the king, ^{Mr. Christie.}
each of whom is particularly charged with one
of the following parts :

1. The daily receipts of money.
2. The expences of public worship, of the civil list, of foreign affairs, of bridges and roads, and miscellaneous articles.
3. The payment of the interests on the public debt, and pensions.
4. The expences of war.
5. The expences of the marine and the colonies.
6. The treasurership, or accompt of the whole.

May 22. The charge of watching over the external safety of the kingdom, and of its possessions, belongs to the king. When urgent danger occurs, he is to take the necessary steps, and immediately to give notice of it to the legislative body ; and if they are in vacation, they shall instantly assemble.

He is to form and sign all treaties of peace, alliance and commerce with foreign powers ; but they are not binding till ratified by the legislative body.

He declares war and peace, and makes all the preparations for them, after the legislative body have decided on the propriety of either. The declaration of war is in these terms : “ *By the king of the French, in the name of the nation.*”

Aug. 16. Justice is administered in the name of the king. Neither the judges nor their substitutes can act, till they have received from his ma-

Mr. Christie.

jeſty letters-patent, thus conceived : “ LOUIS, &c.
 “ ———Whereas the electors of the diſtrict
 “ of ——— have cauſed to be preſented to
 “ us, the procès verbal of the election which they
 “ have made, in conformity with the conſtitutional
 “ laws, of the perſon of Mr. ———, to fulfil for
 “ fix years the office of judge of the diſtrict of
 “ ———: We have declared, and do declare,
 “ that the ſaid Mr. ——— is judge of the diſtrict
 “ of ———; that reſpect ſhall be paid to him
 “ in that capacity; and that the public force ſhall
 “ be employed, in caſe of need, for the execution
 “ of the judgments to which he ſhall give his
 “ concurrence, after having taken the oath re-
 “ quired, and being duly inſtalled in his office.”

The king alſo names all the miniſterial officers
 of the law for life.

By a decree of March 28, 1791, three articles
 were paſſed of a decree reſpecting the reſidence of
 thoſe entrusted with public offices, by which it is
 provided, that,

I. The *public officers* (ſo I am obliged to render
fonctionnaires publics, but the French term is more
 dignified than ours) ſhall be obliged to reſide,
 during the continuance of their functions, in the
 places where they exerciſe them, if they are not
 diſpenſed from that for approved reaſons.

II. The reaſons cannot be approved, and diſ-
 penſations granted to them, but by thoſe bodies
 of which they are members, or by their ſuperiors,

if

if they are not connected with public bodies, or by the administrative directories, in the cases specified by the law. Mr. Chrif-
tic. 

III. The king, the highest public officer, shall not remove to a greater distance than 20 leagues from the national assembly when sitting; but when its members are separated, his majesty may reside in any other part of the country. If the king goes out of the kingdom, and, after an invitation from the legislative body, will not return to France, he shall be deemed to have *abdicated royalty*.

The decree of the assembly respecting the *regency* is just arrived as this sheet was printing, and is in substance as follows :

I. At the commencement of each reign, the legislative body, if not assembled, shall be obliged to assemble without delay.

II. If the king is a minor, there shall be a regent for the kingdom.

III. The regency of the kingdom shall belong in full right, during all the minority of the king, to his nearest male-relation who is of age, and in case of equality of relationship, to the eldest.

IV. No relation of the king, having the above qualities, can, however, be regent, if he be not a Frenchman, and a native of the kingdom, and have not taken the civic oath, or if he be the presumptive heir to another crown.

As soon as the regency shall have devolved to the regent, his first function shall be to publish a

Qq

proclama-

Mr. Chrif-
tie.

proclamation, containing his declaration of the constitutional oath, and a promise to renew it before the legislative body, as soon as it shall be assembled.

V. Women shall be excluded from the regency.

VI. If, through any particular reason, the regent is prevented from immediately beginning the exercise of his function; or if, as is supposed in the 4th article, the regency should become elective; the ministers shall be obliged to perform provisionally, and on condition of responsibility, those acts of the executive power which shall be necessary for the government of the kingdom.

VII. For this purpose, the ministers shall assemble in council, to deliberate on all acts that exceed their ordinary power, &c.

VIII. The regent shall swear to the nation, in presence of the legislative body, to employ all the power delegated to the king by the constitutional law of the state, and of which the exercise is entrusted to him during the minority of the king, both to maintain the constitution decreed by the national constituent assembly of the years 1789, 1790, and 1791, and accepted by the king, Louis XVI. to promote the execution of the laws.

IX. The regent shall exercise all the functions of royalty, conforming himself to the rules established by the constitution, and shall not be personally responsible for his acts in that capacity.

X. The laws, proclamations, and other acts of government, of regal authority during the regency,

shall

shall be thus expressed: "N— (the regent's name) regent of the kingdom, in the name of N— (the king's name), by the grace of God, and the constitutional law of the state, king of the French, &c." Mr. Chrif-
tic.

XI. When, by reason of the minority of the relation who has a claim to the regency, it shall have been settled by election, or shall devolve to a more distant one, the latter shall exercise its function only till the majority of the king.

XII. The king at the age of 14 years complete, may be present in the council, but only for his instruction.

XIII. The king shall be major at the age of 18 years: from that day the regent shall cease from all right, and the laws, proclamations, and acts of government, shall no more be announced in the name of the regent.

XIV. As soon as the king becomes major, he shall announce, by a proclamation published over all the kingdom, that he has attained majority, and has entered upon the functions of royalty. That proclamation shall contain his (constitutional) oath, with a promise to renew it before the legislative body as soon as it shall be assembled.

Of the Guardianship of the King while a Minor.

I. The guardianship of the person of the king, while a minor, shall be entrusted to his mother.

II. All other women are excluded from this guardianship.

III. If the king's mother is married again at

Mr. Chris-
tie.

the time when her minor son arrives at the throne, or if she re-marries during his minority, the guardianship of the king shall be transferred as afterwards.

IV. If the minor king has no relations who possess the qualities requisite to be his guardians, it shall be transferred to another elected by the legislative body; and provisionally, the minister of justice shall be charged to provide for the preservation of the person of the king, and remain responsible.

V. The national assembly reserve to themselves to regulate by a particular law what relates to the education of a minor king, or presumptive heir to the throne.

The QUEEN, by the new constitution, is not known as a public character. No particular privileges are annexed to her condition in the state. *Maria Antonietta* of France is thus limited to that sphere of domestic life, which *Charlotte* of England, to her immortal honour, has *voluntarily* chosen. The ancient Salic law, which excludes females from succeeding to the throne, was considered by the assembly as a fundamental and wise regulation of the monarchy, which merited to be solemnly renewed, and permanently established. Thus this polite people, the most attached and attentive to the sex of any in Europe, have manifested superior wisdom, in shewing that they knew where to draw the line, and so to honour the sex as not to injure their *real* happiness, or endanger the welfare of society.

society. They have rightly judged, in not raising them out of their natural sphere ; in not involving them in the cares and anxieties of state affairs, to which neither their frame nor their minds are adapted ; in not charging them with the weight of a sceptre, which they scarcely ever sway but in appearance—with true respect for the gentleness of their nature, and the delicacy of their sex, they have saved them from the horrid obligation of proclaiming war, and calling forth men to battle and bloodshed ; with all the other unnatural and shocking circumstances that attend a reversal of the laws of nature, by appointing women to rule over men.

Mr. Chrif-
tie.

The question respecting the extent of the king's interference in the measures of the legislative body in France, has, in common with several others, been much perplexed by comparisons with the regulations of England. It ought to be recollected, that the situation and circumstances of the two countries are so very different, in a variety of respects, that regulations the most useful or necessary in the one, may neither be necessary nor useful, may perhaps be pernicious in the other. Laws ought to be judged of from their own nature, and from their application to the necessities, not of foreign countries, but of that in which they were framed. Waving, therefore, all consideration of the case of England, as foreign to the present discussion, and leading only to indelicate and in-

Mr. Chris-
tie.

dious comparisons, I shall confine the few remarks I have to make on this subject purely to France.

Let us, therefore, consider the suspensive *veto*, and see whether it be that absurd, ineffectual, and dangerous thing which Mr. Burke wishes to represent it. The legislative power is delegated by the nation to the national assembly and to the king conjointly. While the two agree, all is well; but if they should differ, a great difficulty arises, and the puzzling question is put, who shall decide? If the king decides against the legislative body, then is the will of one man set up against that of 25 millions of men; then is the nation *not* the fountain of power, and the most fundamental principle of the French constitution is contradicted. If, again, the assembly decides against the king, then all the objections of M. de Calonne are, in the first instance, valid. In such an extremity there is but one way to proceed rationally. Let neither the king nor the assembly decide, but let the king *suspend* the proposed law, and appeal to the collected wisdom of the nation. Let time be given to elucidate the subject, to discuss it, to bring forth evidence. At the next legislature let it be proposed again, when some of the parties will probably yield, or a compromise will be made. If the difference continues, let the measure be once more suspended, till the third legislature. Then, full time having been allowed for all prejudices to subside, and the subject having been

com-

completely canvassed, the new deputies will come up with instructions from their constituents how to decide, and their decision will and ought to be *final*. Such is the suspensive *veto*, which seems so ill understood among us. It is nothing else than an appeal to the collected wisdom of the nation; and the third legislature, when they decide against the *veto* of the king, if ever such a case occur, act at that time, not in the quality of a common legislative body, but in that of a national convention, who are empowered to make laws for the king himself, because from them, that is, from the nation, the king derives all his power, and by their laws is to govern all his conduct.

Mr. Christie.

After the constitution of France is settled, as it will be a regular and completely organised system, extending to all branches of the government, and defining with the greatest exactness the extent and limitations of all the various powers in the state, I do think it highly probable, that a difference between the king and the legislative body is a circumstance that will *never* occur. I really cannot see what they can have to differ about; but if they should differ, the king will interpose his suspensive *veto*, which will prevent the proposed measure from taking place, for three or four years at least; and surely that is a sufficient period for deliberation.

Thus is the suspensive *veto* in France equal to all that the necessity of the case requires. Indeed it was all that could be granted. Had the assembly given the king more in *appearance*, they would

Mr. Chris-
tie.

have given him less in *reality*. By the suspensive *veto*, he can prevent the operation of a bad law, in as far as it is in the power of human government to prevent it, and that too without the *odium* which always attends an absolute negative. Let us be honest, and acknowledge, that, had they given the king an absolute *veto*, he could not have used it *in the present state of society*. We need not fight about *words*, this is the fact; the only mode in which the king could have made his *veto* effectual, would have been by an indirect and undue influence upon the legislative body; an influence hostile to the constitution, and in every respect improper and dangerous.

I propose, then, to the most serious consideration of every reflecting reader of this book—After all the declamation of Mr. Burke, and after all the noise that has been made on the subject, *what has the king of France lost? what has he suffered by the revolution?* Has he lost the respect of his people? No—he is more respected, because in reality more respectable than he was before. If there was a temporary want of respect shewn to him at any time, it arose from the confusion of the times, and the weakness and inconsistency of his conduct at some of these critical moments. But he may be—it is *within his own power* to be—as highly respected as any prince in Europe. Has he lost the *affections* of his people? No—even his inconsistencies have not deprived him of this; for all are convinced that his intentions are good, and his heart sincere.

Louis

s XVI. is the friend of the people, and the
 le love him. Has he lost the *dignity* of his Mr. Christ-
 ition? No—in the eye of reason, he has gained {
 dignity, in as much as the condition of the
 sign of a free people, is more glorious than
 of the tyrant of a herd of slaves. Has he lost
revenues which are necessary to support his
 ? No—for the assembly have made an ample
 sion for him, such a provision as renders the
 of England comparatively a poor man. Has
 st his *powers*? No—he has lost no power,
 uch as was inconsistent with the happiness of
 eople—such as was improper and dishonour-
 for him to hold—He has lost the power of
 g evil, and is happily rid of it—He has lost
 power of making his people unhappy by his
intary mistakes, and may rejoice at the loss—
 as lost nominal powers, which he never could
 und which only served corrupt ministers as in-
 uments of oppressing the people. But he has
 othing of his just and lawful power. He is
 he chief of the state, the supreme head of the
 re—the head of the executive, and, conjointly
 the legislative body, the delegate of the legis-
 : power. All laws are made with his con-
 nce; and when the legislative assembly would
 : a law which he does not approve, he can suf-
 the force of it for several years, until there
 een time to make an appeal to the people,
 lect the wisdom of the whole nation, in whom
 vereignty truly resides, and whose will is ulti-
 mately

Mr. Christie. { mately the supreme guide, as their power ~~may~~ ultimately be the supreme governor, in all the nation and societies of the earth.

Such is the condition of the KING of France.

T H E P E O P L E,

Being natives, or naturalised, are divided into

1. *ACTIVE CITIZENS*, or such as

1. Are born Frenchmen, or have been naturalised.

2. Have been inscribed at the age of 21 years in the list of citizens of the canton, formed annually by the primary assemblies; and have at that time taken the civic oath of fidelity to the constitution, the laws, and the king.

3. Have completed 25 years of age, and then been inscribed in the list of *active* citizens kept by each municipality, and have taken the patriotic oath before the president of the administration of the district, binding themselves “to maintain with all their power the constitution of the kingdom;” “to be faithful to the nation, the law, and the king;” “and to fulfil with zeal and courage the civil and political functions that shall be entrusted to them.”

4. Have resided in the canton at least a year.

5. Who pay in direct contributions the local value of three days labour in any part of the kingdom. *N. B.* This payment cannot exceed 60 fous, or 2s. 6d.

II. *PASSIVE CITIZENS*, or such asMr. Chrif-
tie.

1. Are paupers, beggars, vagabonds, or subsist
by charity.

2. Domestics, or servants who receive wages,
and are supposed to be under the controul of their
masters.

3. Bankrupts and insolvent debtors of every kind.

4. Children of bankrupts, who have received
any part of the fortune of their parents, without
paying their proportion of their debts, unless they
are married, and have received their dowry before
the insolvency of their parents was known. The
proportion of his father's debts payable by every
child, is that part which he would have been
obliged to pay, if he had inherited of his father.
When he shall have paid this, he may be restored
to the class of active citizens. (Dec. 22. 1789.)

III. *FOREIGNERS*,

Or those born out of the kingdom, of foreign
parents, who are established in France, are na-
turalised, and reputed Frenchmen, on taking the
civic oath to qualify themselves for exercising the
rights of active citizens, after five years continued
residence in the kingdom, if they have besides either
acquired immoveable property, or married a French
woman, or formed an establishment of commerce,
or received in any town letters of freedom (*Bour-
geoisie*), especially in the departments on the fron-
tiers, maritime towns, &c. (Dec. 22. 1789.)

We now come to the general organization of the
government.

The

Mr. Chris-
tic.

The *ACTIVE CITIZENS* of each canton, in a considerable town, assembled together, form

The PRIMARY ASSEMBLIES, 1. 1.

Of which there must be at least one in each canton, 1. 11, as near as possible to 600 in number and never less than 450, 1. 13.

When there are not 900 active citizens in a canton, they form but one primary assembly, 1. 1—900, and upwards, form 2, each of 450 citizens at least, 1. 12.—1050, and upwards, form 2 assemblies, one of 600, and one of 450 or more, 13.—1400, and upwards, form 2, one of 600 more, and one of 800, 1. 13.—1500, and upwards, form 3, 1 of 600, and 2 of 450 or more, 1. 13.

In T O W N S

of 4000 inhabitants, there is 1 primary assembly 1. 14.

Below 8000 - - - - 2

—— 12000 - - - - 3, &c. *ib.*

F U N C T I O N S.

1. On assembling, after taking an oath "to support the constitution, to be faithful to the nation, the law, and the king, and to choose those most worthy of public confidence to fulfil the duties of their stations," they elect their president and secretary by *individual choice*, and *absolute plurality of voices* *. Before this the oldest member acts as president

* The terms describing the mode of election may want explanation: —

sident, and the three next oldest as scrutineers, Mr. Christie.
 15. They write for such as cannot do it themselves.

2. They elect three scrutineers for all their subsequent deliberations, by a single scrutiny of a list three names, 1. 16.

3. They choose the members of the electoral assemblies of the departments, out of all the eligible citizens in the canton, 1. 18 ; one elector for every 50 to 150 active citizens present or absent *, and for 150 and upwards, 1. 17, by a single scrutiny a list double the number to be elected, 1, 20.

4. They elect the judges, or justices of *peace* of canton, or of towns exceeding 2000 inhabitants,

scrutin individuel, which I have translated by 'individual choice,' denotes an election, where, though several persons are to be chosen, they are elected not all at once, but one by one.

liste simple, or a single list, denotes an election, where several persons to be elected are chosen at once, by a list of their names.

liste double, or a *double list*, is where twice the number of names to be elected are put down, and then that half chosen who had most voices on the whole.

absolute plurality of voices, is where the *majority* of an assembly is in favour of a person.

relative plurality, is where several persons are to be appointed to an office, either by a single or double list ; in which case, a man has a relative plurality of voices, that is to say, more for himself than for his competitor, and hence he is elected, although he does not have an absolute plurality of the voices of the whole assembly.

The regulation which appoints one member of the electoral assembly for every hundred active citizens, extends to such citizens as are absent ; for if they will not attend their duty, the duty of voting for them falls to those who are present.

by

Mr. Christie.

by individual scrutiny, and absolute plurality voices, out of the citizens eligible to the departments and districts in each, and his *assistants* out of the active citizens of the canton or municipality (Aug. 16. tit. 3.)

N. B. Those citizens who have once exercised their rights in a primary assembly, cannot repeat nor take any part in another. (Inst. f. 2.)

Every active citizen must present himself in person. No proxy is allowed in any assembly whatever. (Inst. f. 2. and Dec. art. 9. f. 1.)

The ELECTORAL ASSEMBLIES of the departments are composed of,

1. *Active citizens.*
2. Who pay in direct contribution the local value of 10 days labour annually, 1. 19 *.

FUNCTIONS.

1. Assembled in the chief places of the districts by turns, they elect their president, secretary, and three scrutineers, as these are ordered to be chosen in the primary assemblies, 1. 23. and 24 †.

2. Th

* If an electoral assembly be too numerous, it cannot divide into two independent assemblies; but, to quicken its operation it may divide into sections or bureaux, of at least 100 each, must incorporate all their votes and proceedings, so as to preserve the unity of will. May 28, 1790.

† N. B. They take the civic oath, and before commencing the scrutinies, the president of each assembly or bureau pronounces this formula: "You promise and swear to name"
"d

They elect the members of the national assembly by individual choice, and absolute plurality of votes. When the first scrutiny does not determine the election by an absolute plurality, a second be made, and, if need be, a third, which shall be confined to the two persons whom the scrutineers have once to have obtained the greatest number of votes in the assembly. If this does not decide it, the eldest of the candidates shall be preferred, 1. 25. The number of the members of the national assembly shall be equal to that of the departments multiplied by nine, 1. 26. (Hence 83 departments would give 747; but Paris having but one deputy for its territory, in place of three, makes it 744; of which one third are chosen to represent the territory, another third to represent the population, and the remaining third to represent the sum of the direct contribution, 1. 27. Each department chooses three, and Paris one deputy to represent its *territory*, in all 247, 1. 28. The amount of the population of the kingdom

Mr. Christie.

“to whom you shall have chosen in your heart and conscience as most worthy of public confidence, without having been determined by gifts, promises, solicitations, or threats.” A formula, legibly written, shall be exposed at the side of the table in which the votes are collected; and each citizen, on being called in his paper, lifts up his hand, and says, “I swear it.” 18. 1790.

They meet without arms or slaves. May 28.

Every member of the national assembly can act as a member of the electoral assemblies. May 14.

divided

Mr. Chrif-
tic.

divided into 249 parts (the number of departments multiplied by 3) gives a number for which a deputy is to be elected; and each department elects as many deputies as it contains of these numbers, to represent its *population*—in all 249, 1. 29.

The amount of direct contribution being similarly divided, shews how many deputies each department shall elect, to represent its *property*—249—in all 745.

3. They elect the *supplying deputies*, by scrutiny of a double list, and relative plurality of votes. The number of supplying deputies to be equal to one third of the members elected, whose place they are to take in case of death or dismissal, 1. 33.

4. They elect the 36 members of the assembly of the department, 2. 2. out of the eligible citizens of all the districts of the department, so as to have at least two members of each district, 2. 4. by three scrutinies of a double list, adopting at each scrutiny those who have an absolute plurality of voices, and filling up the remainder from those who have a relative plurality, 2. 11.

5. They elect a procureur-general-syndic of the department, by individual choice and absolute plurality of voices, 2. 14.

6. They elect the criminal judges of the department, out of the civil judges of the districts; also the public accuser, and secretary of the criminal tribunal. Jan. 20, 1791.

7. The 166 members of the high jury of the
high

high national court, two jurymen for each department. Mr. Christie.

8. The bishop of the department, out of ministers who have held an inferior office in the church for fifteen years.

9. That section of them which belongs to each district, assembled in the chief place of the district, elects the twelve members of the assembly of the district, 2. 3. out of the eligible citizens of all the cantons of the district, 2. 5. in the same manner as the members of the assembly of department are directed to be chosen above, 2. 11.

10. The same elect a procureur-syndic of the district by individual choice and absolute plurality of voices, 2. 11.

11. They elect the curés or ministers of parishes in the districts, out of clergymen who have performed the duties of vicar to a minister for five years. July 12, 1790.

12. They elect the civil judges of the tribunals of the districts, out of those men who unite the conditions of eligibility for the office of judge and procureur-syndic. Aug. 16, 1790.

The ASSEMBLIES of the DEPARTMENTS are composed of

1. *Active Citizens.*

2. Who pay in direct contribution, at least the local value of ten days labour. Dec. 22, 1789.

2. 6.

3. Are permanent.

R r

4. Half

Mr. Chris-
tie.

4. Half their members renewed every two years, first by lot, and afterwards in their turn by age

2. 12.

They have in each a procureur-general-syndic, 2. 14. who remains four years in office, and may be continued four years more, but cannot afterwards be re-elected till an interval of four years

2. 15. They hear every report, and are present at every deliberation of the assembly, but have no vote there. 2. 17. They are present also at the directories, and have a consulting voice there, and are charged with the execution (suite) of all affairs. 2. 18.

They are divided into

I. *The council of the department*, 2. 20. (the first may be of six weeks, the others not more than a month, 2. 21), who shall hold an annual assembly, without need of convocation. March 5, 1791.

To fix the rules for each part of the administration. 2. 21.

To determine the operations and expence of the department in general. *Ib.*

To receive an account of the management of the directory, *ib.* at the beginning of each session, after which the members of the directory shall be admitted and have a vote. 2. 24.

II. *The directory of the department*, 2. 20. composed of eight members, elected out of the others at the end of their first session, and renewed in half every two years. 2. 23. The president of the assembly of the department may preside at all their meetings;

meetings; but they may elect a vice-president of their own. 2. 23. They are always in activity for the execution of business, and give in an account once a year of their management, to the council of the department, which is to be printed. 2. 22.

Mr. Chrif-
tic.

FUNCTIONS.

1. They elect their president and secretary by individual choice and absolute plurality of voices.

2. 19. N. B. The president may be renewed every session, or the old one re-elected. Jan. 16, 1790.

2. They elect the eight members of their directory, as above. 2. 16.

3. They elect a supplying member to the procureur-general-syndic, in case of his being sick, &c. 2. 16.

Half the departments of the kingdom, by turns, elects the 42 or 41 members of the *tribunal de cassation*, or court of annulment, out of judges 30 years of age, &c. Nov. 17, 1790.

The salaries of the directors of the department are,

In towns below 20,000 inhabitants, the eight members of the directory, 1600 livres.

The procureur-general-syndics, 3000

The secretaries, - - 1500

In towns from 20 to 60,000, they have 2000, 4000, and 2000 livres.

And in towns above 60,000, 2400, 5000, and 2500 livres.

Mr. Chir-
tie.

But from this allowance is to be deducted 300 from 900—450 from 1200—600 from 1500—700 from 1800—900 from 2000—and 1200 from 2400; to be formed into a fund for *droits d'assistance*, to be distributed amongst the members actually present and on duty at each meeting. (Dec. Sep. 2. 1790.)

The ASSEMBLIES of the DISTRICTS
are composed of

1. *Active Citizens.*
2. Who pay in direct contribution, at least the local value of ten days labour. Dec. 22, 1789. 2. 6.
3. Are permanent.
4. Have half their numbers renewed every two years, first by lot, and afterwards in their turns by age, 2. 12.

They have in each a *procureur-syndic*, 2. 14. who remains four years in office, and may be continued other four years, but cannot afterwards be re-elected till an interval of four years, 2. 15. These hear every report, and are present at every deliberation of the assembly, but have no vote there, 2. 17. They are at present also at the directories, and have a consulting voice there, and are charged with the execution of all business, 2. 18.

N. B. By a decree, Nov. 3, 1790, the district of Paris is to have no administration of district; but the administration of the department, after having named their directors, shall, out of the
twenty-

twenty-eight remaining members, choose five commissaries, to fulfil their functions, in case of need. Mr. Christie.

They are divided into

I. *The council of the district*, who hold an annual meeting for fourteen days only, to commence a month before that of the council of the department, 2. 29.

II. *The directory of the district*, composed of four of the members, 2. 25.

Both to be elected and regulated exactly as the councils and directories of the department, to whom they are entirely to be subjected, and indeed to act exactly as sections of 2. 27. 28. 30. 31.

The salaries of the directors of the districts are *,

In towns below 20,000 inhabitants,

For the four members of the directory 900 livres.

The procureur-syndics 1600

The secretaries 1200

In towns from 20,000 to 60,000, the same persons have 1200, 2000, and 1500 livres.

And in towns above 60,000, they have 1500, 2400, and 1800 livres.

Deductions similar to those made from the directors of the department, are appointed here to form a fund for *droits d'affiance*.

Functions—1. They elect their president by individual choice and absolute plurality of votes, 2. 19. May choose a new president every session; but the old one may be re-elected. Jan. 16, 1790.

* Dec. Sept. 2, 1790.

Mr. Chris-
tie.

2. They elect the four members of their directory as above, 2. 16.

3. A supplying member to the procureur-syndic, in case of his being sick, &c. 2. 16.

FUNCTIONS or *duties*, common to both assemblies of department and district.

1. The assemblies of departments fix the quotas to be paid by each district, of the direct contribution laid on each department. The administrations of the district fix, in like manner, the quotas of each municipality. All other matters respecting taxation are referred to the management of the assembly of the department, 3. 1.

2. They attend to the state of the poor, and to beggars and vagabonds ; to hospitals, work-houses, alms-houses, prisons, &c. &c. ; to the public education, and progress of knowledge ; to the employment of the public funds destined to encourage industry, agriculture, arts, &c. ; to the preservation of the public property, forests, rivers, bridges, roads, canals, churches, &c. &c. ; to the maintenance of public tranquillity, safety and health ; to the employ of the militia, &c. 3. 2.

3. The administration of the districts act in all these under the administration of the departments, and both in subjection to the decrees of the national assembly, sanctioned by the king, 3. 3, 4. Nothing new can be attempted by them without the king's sanction, 3. 5. Especially, they shall borrow no money, nor impose any tax, without the royal acquiescence, except for mere local purposes, 3. 6.

4. They

4. They review, and finally pass the accòmpts of the municipalities. Mr. Chief-
tie.

N. B. In all public ceremonies, the municipal officer, and administrations of departments and districts, have the right of precedence over civil and military bodies. Dec. 30, 1789.

Judges and officers of justice may be chosen municipal officers, or of the administrative assemblies; but if they accept, cannot hold their former places also. Dec. 30.

Administrative assemblies are to call their decisions by the name of deliberations, not decrees. Afterwards it was changed to arrêtés*. June 24, 1790.

The NATIONAL ASSEMBLY is composed of active citizens, who pay in direct contribution, a sum equivalent to a marc of silver (or about 42 s.

* By a decree of March 3, 1790, it is enacted,

That the acts of the districts and departments shall be termed *arrêtés*,

Each shall be signed by all the members present, who shall have voted for the deliberation; but the copies of it forwarded shall contain only the names of the president and recorder.

Members of the *councils*, who die or resign, shall not be replaced till the epoch of the ordinary election.

Members of the *administrations* cannot be re-elected till an interval of two years.

The annual session of each council or department shall take place *without convocation*.

Every year they shall send to the king the procès-verbal of their session, one for himself, and one for the national assembly.

R r 4

annually),

Mr. Christie. annually), and have besides some landed property,
Dec. 22, 1790.

By the decree of July 29, 1789, is to have,

I. One president, who continues in office a fortnight, and is not eligible again till after an interval of a fortnight.

II. Six secretaries, who form in concert the *procès-verbal*, or journal of the assembly's proceedings, dispatch letters, &c. Half of them, consisting of those who have been longest in office, go out every fortnight.

The morning session begins at 8 o'clock. Two hundred members must be present. But, March 22, 1790, it was postponed till 9, and on Sundays till 11, to give the members an opportunity of previously going to church.

The president commands silence by ringing a bell; and all public signs of approbation or disapprobation are forbidden, but at such a crisis, and when men's passions, interests, hopes and fears were so deeply interested, it was to be expected from human nature, that these rules, though proper to be made, could not always be observed.

They have adopted from us the term *motion*, for a measure proposed to consideration. Every motion must be seconded by two persons, and the assembly must then decide, whether there is, or is not, occasion to deliberate on it. No member is to speak above twice on a motion, without express permission of the assembly.

Oct,

Oct. 1, 1789, it was decreed,

The assembly is permanent—

Shall be composed of one chamber only—

Each legislature shall continue two years—

Then the whole members to be renewed—

The legislative power resides in the national assembly—

The creation and suppression of offices belongs to them—

No tax can take place, but in consequence of one of their decrees.

Nov. 16, 1789.

They shall hold three evening sessions—on Tuesday, Thursday, and Saturday; to be occupied in provincial affairs, and things not of general consequence.

May 22, 1790.

The right of determining on war or peace belongs to them.

If the executive power have commenced hostilities without sufficient cause, they shall prosecute the ministers who advised it, as criminals of lèse-nation.

If, during war, they think a peace should be made, the executive power shall immediately take the proper measures to produce an accommodation.

Treaties of peace, alliance, commerce, &c. formed with foreign powers, though signed by the king, are not binding, till revised and approved by them.

Mr. Christie.

Sept,

Mr. Christie. cannot be at once members of the same municipality.

Those who occupy places of judicature, or are employed in the collection of indirect taxes, cannot be members of a municipal assembly.

They elect the *mayor*, or chief of the municipality, by absolute plurality of votes : if the first scrutiny does not give the plurality, they proceed to a second, or to a third, in which the choice falls between the two citizens who had before most votes ; and if there be after all an equality of voices, the oldest shall be preferred.

They elect the other *members of the municipal body* by scrutinies of a double list ; and those who at any scrutiny shall obtain an absolute plurality of votes, shall be declared duly elected, and so on until the whole are filled up.

These municipal officers must be elected out of the eligible citizens of the district.

Including the mayor, their number is three when the population is below 500,

6	where it is from	500 to	3000
9	—————	3000 to	10000
12	—————	10000 to	25000
15	—————	25000 to	50000
18	—————	50000 to	100000
21	for all above.		

Paris has a particular regulation for itself.

In each municipality there are elected by scrutiny and absolute plurality of voices, a procureur of the

the commune, or solicitor ; and in towns of more than 10000 inhabitants, a substitute to do his duty in case of accidents; neither of whom shall have any deliberate voice.

Mr. Christie.

They elect, by a single scrutiny of a list, and relative plurality of votes, a number of *notables*, double that of the municipal officers; which two united shall form the *council general*. The council shall elect a *secrétaire-greffier* (a clerk or recorder), who shall take an oath to fulfil his duty faithfully, and may be removed when a majority of the council shall think it proper.

They may also elect a treasurer on similar principles.

Wherever the municipal body is composed of more than three members, it is divided into a *bureau*, composed of one third of the municipal officers, the mayor being always included in the number, and a *council* composed of the other two thirds.

The members of the bureau are chosen by the municipal body annually, and may be re-elected for a second year.

The mayor, where the municipal officers do not exceed three, and the bureau in the others, take the charge of conducting business.

The council must assemble at least once a month, to review the accounts of the bureau when it is necessary, and two thirds of them at least must be present for this purpose. After that, the members

of

Mr. Christie.

of the bureau are admitted to sit and vote with them.

All other deliberations are to be taken by the council and bureau united, and for this purpose a majority of the municipal body must be present.

In towns of above 25000 inhabitants, the municipal body may subdivide itself into sections, at pleasure.

The municipal body and the notables are elected for two years, and renewed in half every year.

The mayor may be elected for a second two years, but not again till an interval of two.

The solicitor and his substitute may be so also; but one or other must be changed alternately every year.

The elective assemblies are to be held annually the Sunday after Martinmas, and after having finished their elections, must be dissolved; nor can they re-assemble unless summoned by the council-general, who shall be obliged to summon them, if required by a sixth part of the active citizens, where there are not 4000 inhabitants, or by 150 in the others.

They shall be summoned also at the death of the mayor, or the solicitor, or his substitute, to appoint another.

When a member of the council dies or demits, or is deprived of his place, or passes into the bureau, his station shall be filled by one of the notables who obtains most votes.

The members of the new municipal bodies shall take an oath before the old ones, to maintain the constitution, to be faithful to the nation, the law and the king, and to fulfil their duty properly.

Mr. Christie.

FUNCTIONS.

1st. *Municipal.* Under the superintendence of the administrative assemblies, to manage the revenues and possessions of the towns, communities, &c.

To regulate local expence.

To direct public works.

To give the inhabitants all the advantages of a good police, especially cleanliness, wholesomeness, and tranquillity in the streets, public places and buildings.

2d. *General.* Delegated from the administrative assemblies.

The laying on, raising, and paying into the treasuries of the district and department, the amount of direct taxes payable by the community; the immediate direction of public works; the management of public establishments; the superintendence and preservation of public properties, including churches, and all that belong to religion.

They have the right to require the aid of the national guards, and other public forces, according to rules hereafter to be prescribed.

The members of the municipal body, the solicitor

Mr. Christie.

citor and his substitute, cannot at the same time exercise the functions of the national guard.

The council shall be summoned as often as the municipal administration shall judge proper, and must be present whenever there is any deliberation.

On the acquisition or alienation of immoveable property ;

On extraordinary taxes for local expences ;

On borrowing money ;

On public works to be undertaken ;

On the employment of the price of sales, of reimbursements, &c.

On law-suits to be engaged in, or carried on, &c.

All the accompts of the municipal bureaux, after being passed by the council, shall be reviewed by the district, and finally by the department.

In all towns of more than 4000 inhabitants, the accompts of the municipal administration, of receipt and expenditure, shall be *printed* every year.

In all communities the active citizens may at any time take copies at the register-office, of any accompts or deliberations of the municipality they choose, without removing them, and free of expence.

Every citizen conceiving himself injured by the municipality, may complain to the department, who shall order the district to investigate the matter. This plan must also be adopted in cases of mal-administration, before having recourse to courts of justice.

The

The active citizens may meet, unarmed, peaceably, to draw up addresses or petitions of any kind to any public body, if they give notice to the municipal officers of the time and place of their assembling, by a deputation of no more than ten of their number.

Mr. Chrif-
tie.

N. B. In public ceremonies, the municipal officers take precedence of civil and military corporations. Dec. 30, 1789.

No man can exercise at the same time, in the same city and community, municipal or military functions. Dec. 30, 1790.

Judges, and officers of justice, may be chosen of the municipal body; but if they accept, cannot retain their other places. Dec. 30, 1789.

When employed in public functions, the mayor and municipal officers are to wear a scarf or sash over their shoulders, of the three national colours, blue, red, and white, tied by a knot below, and adorned with a fringe of gold colour for the mayor, white for the municipal officers, and violette for the procureur of the commune. March 20, 1790.

MUNICIPALITY of PARIS.

The metropolis of the kingdom, from its immense comparative magnitude, and other circumstances, required a peculiar regulation. This was accordingly fixed by various decrees, collected together in one mass, the 21st of May 1790.

The municipality is composed of a mayor, 16 administrators, 32 members of the council, 97 notables,

S f

and

Mr. Christ.
 {

and a procureur of the commune, with 2 substitutes, besides a clerk or secretary, 2 assistants, a keeper of records, and a librarian.

The city of Paris is divided into 48 sections, as equal as possible with respect to the number of active citizens contained in them, forming as many primary assemblies. When it is required to choose the members of the departments or districts of Paris, or its deputies to the national assembly, if the number of active citizens in a section exceed 900, it has two primary assemblies.

The council-general of the commune consists of the 97 notables; and 48 members of the municipal body are called together on important occasions.

The 48 members of the municipal body are divided into the *bureau*, consisting of the mayor, and 16 administrators: the last, elected out of the 48 members of the municipal body by the council-general, hold a meeting thrice a week.

The functions of the bureau are divided into five classes:

1. That of subsistences.
2. That of police.
3. That of domains and finances.
4. That of public establishments in Paris.
5. That of public works.

These are to be divided amongst the different administrators, who, with the mayor, give a summary account of their management every two months to the municipal council: they have their accompts verified every half-year by the same, and, finally,

finally, at the end of two years, submit them to the assembly of the department.

Mr. Christie.

The *council of the municipality* is composed of the other 32 members of the municipal body, and meets at least once a fortnight to examine the accounts of the different departments of the bureau.

The mayor is chief of the municipality, president of the bureau, of the municipal body, and council-general, and has a deliberate voice in all the assemblies; may assemble the bureau when he thinks proper, may suspend their deliberations, or those of the departments, when he thinks them wrong; but must convoke, in 24 hours, the bureau, or the municipal body, &c. for their advice. He has a casting vote, where the voices are equal, in the bureau; but those who differ from him, may appeal to the municipal body.

Each of the 48 sections has a *commissary of police* always active, and sixteen commissaries of the section to assist him, elected for two years, and re-eligible, who shall meet every week, and, on other occasions, when necessary, to aid and support the general system of the municipal government. One of them, by turns, shall remain 24 hours in his house, that the citizens may always have some person to have recourse to, in case of need.

Persons arrested in acts of criminality, shall be conducted to the commissary of police, who, if they are not housekeepers, may be sent to a house of safety (*maison d'arrêt*), by his single authority; but if a housekeeper, cannot be committed without

Mr. Chris-
tic.

the concurrence of one of the commissaries of the section.—In 24 hours the examination of the person arrested must take place.

The other articles of consequence, are nearly the same for Paris, as the rest of the municipalities.

Thus it appears, that the legislative government in France proceeds by *primary assemblies, electoral assemblies, and a national assembly*—the administrative and executive government, by *municipalities, assemblies of districts, assemblies of departments, and the king*.

It was highly proper that the two should be kept *distinct*, because their functions and duty are distinct; yet as they must often interfere, and as the nation is *one*, it was equally proper that there should be links of connection between them, and that though *distinct*, they should not be independent of each other. This is wisely provided for, by making the superior provincial assemblies derive their power, not from the *municipalities*, the lowest order of their own kind, but from the *electoral assemblies*. It is thus that the foundation is laid, for a wise and necessary harmony, between the highest legislative and the highest provincial assemblies; for it cannot be supposed that the same electors would place in the department, men hostile to those they had previously placed in the national assembly.

For the same reason, there is little ground for the fears of some people, that the *assemblies of the departments* would become too powerful, and degenerate into great aristocratic bodies. The origin
of

of the power of their members, you see, is entirely *populæ*; and the continuance of its existence depends on the *general will* or the voice of the *people*. Still less reason is there for Mr. Burke's idea that France is divided into 83 independent republics. The national assembly, and the assemblies of the departments, are children of the same parent, they are all brethren; the national assembly is only a great department, the departments small national assemblies. They are subjected to the king in every operation of any importance. Trifling local arrangements they may regulate. Such are out of the monarch's knowledge, and below his attention; but they cannot, without his consent, adopt any new measure, nor borrow any money, or impose any tax, without that of the national assembly. For as the appendix to the decree most justly observes—the state is *one*—the departments are only sections of a *whole*.—If independent administrative bodies had a power, according to their fancy, to act, command, and change, the contrariety of their partial moments would destroy the general harmony of the machine, and produce the most dreadful anarchy. Thus reasoned the legislators of France. They had anticipated all Mr. Burke's sage counsels.

Mr. Christian.

The three bases on which all representation ought to be founded, are,

1. Extent of *territory*;
2. Amount of *population*;
3. Sum of *property*.

S f 3

By

Mr. Chris-
tie.

By endeavouring to combine all the three together, the assembly have given a proof of their originality and correctness of their ideas of political economy; and if their plan succeed, as there is every reason to hope, they will have carried representation farther than any people have done before, and have advanced it as near to perfection as the condition of man will permit.

Inequality, you will observe, cannot take place in this system. It is fortified even against the changes of events, and the destructive hand of time. There cannot be in France great cities that send no representation at all, as with us; for the number of deputies will regularly vary with the variations in population and property, which will always be perfectly known by the registers of the municipalities and primary assemblies.

By the 8th article of the decree, *Dec. 22, 1789*, it is expressly declared, that the deputies elected in each department, to the national assembly, are not to consider themselves as the representatives of that department only, but as the representatives of the whole of the departments, that is, of the whole nation.

By the 9th article it is declared, that the members of the administration of the department are not to consider themselves as representing only that district from which they were sent, but all the districts of their department.

By the 10th article, that the members of the administration of the district are not to consider themselves

selves as representing only that canton in which they were chosen, but all the cantons in their district. Mr. Christie.

By the 11th article it is provided, that they shall not be recalled, nor deprived of their powers, till after accusation, and judgment that they have forfeited them.

By the 12th, that each assembly shall be judges of the titles of those who come to take their seats amongst them :—and by the 34th article of sect. 1. it is declared, that the members of the national assembly shall, after their constituents have declared their confidence in them, by electing them as their representatives, be entitled to act entirely agreeable to their own judgment, and shall not be constrained by any authoritative mandate from their constituents. The primary or electoral assemblies may at any time address their petition to the legislative body itself, and may solicit or advise, but not command their representatives. Thus a point about which there are differences of opinion amongst us, is clearly decided in France, and I think rightly decided. Let the people be careful in the choice of their representatives, but let them repose full confidence in them when chosen ; a man does not cease to be a rational being, when he becomes a member of parliament. He has still an understanding, a judgment, a conscience of his own ; and to expect him to subject his faculties passively to the will of others, is to expect him to act both

Mr. Chris-
tie.

irrationally and immorally. It is to degrade him from the dignity of rational nature, and to make him no more than a speaking trumpet, to convey the voice of his constituents from the place of their residence to St. Stephen's Chapel.

By the 35th article of the same section, it is provided, that the primary and electoral assemblies, immediately after having finished the election, shall discontinue their sessions until the return of the period of election again.

To guard against the effects of engrossing power, by acting in various capacities at once, it is enacted, that no person employed in collecting indirect taxes, shall be at the same time a member of the administration of the department and district. 2. 7.—That no member of the municipal body shall be at the same time member of the administration of department and district. 2. 8.—That the members of the administration of the district, cannot be at same time members of that of the department. 2. 9.—That those citizens who fill offices of judicature may be members of the administration of the department or the district, but cannot be appointed one of the *directors* in either, the necessary attendance to the duties of both at once being conceived to be incompatible.

As there is but one degree of intermediate election between the original electors and the members of the national assembly, so also there is but one between them and the members of the administrative

tive assemblies. The necessity of this is expressly declared, decree 2. 1.; and similar reasons seem to have operated in both cases. Mr. Christie.

As the members of the administrative bodies are renewed in half every two years, it is evident, that after the first term all the members will be four years in office at once, which seems a very proper space of time, neither too long, nor too short.

To the general utility of a new division of the kingdom, and the establishment of provincial assemblies, &c. M. de Calonne himself bears witness. “ It is true,” says he, “ that the administrations of “ the departments, and other local administrations “ which will be gradually established under them, “ if well composed, and where they shall be in full “ exercise of their powers, will produce great “ facility in the imposition and levying of taxes “ in general, &c.” And with respect to his and Mr. Burke’s criticisms on the minuter parts of this system, I do not think it necessary to enter farther into the consideration of them : most of them are premature, or arise from a want of duly comprehending and considering the *whole* of the system. The few errors they have pointed out (if they be found to be errors), will be rectified, either when the constitution is revised, or at a future period.

The JUDICIAL ORGANIZATION.

It is a circumstance worthy of note, and one that affords a proof of the wisdom and rectitude of that *spirit* which governs the decisions of the national assembly

Mr. Chris-
tie.

assembly of France, that the first chapter of their decree respecting jurisprudence is calculated to prevent all legal contests, by promoting *arbitration*; a mode of decision more expeditious, less expensive, and in many respects more eligible and satisfactory than the complicated processes of the law.

“ *Arbitration* (says the 1st article*) being the most reasonable method of terminating the contests among the citizens, the future legislatures shall have no power to make any regulations, which may tend to diminish the respect or the efficacy of compromises.”

The succeeding articles are in the same spirit. All persons may name one or more arbiters as is agreeable to them, may fix a time beyond which their decision shall not be obligatory; but if no period is fixed, or if after the period, none of the parties have announced, that he no longer desires the interference of the arbiters, their judgment shall be binding.

No appeal from the sentence of the arbiters shall be allowed, if the parties have not expressly reserved this right to themselves in the compromise, and named the tribunal to which they would carry it.

II. *Judges in general.*

The second chapter relates to the *judges in general*, and enacts, that

Justice shall be administered in the name of the king.

The

The venality of judicial officers shall be abolished for ever ; the judges shall render justice gratuitously, and shall be salaried by the state. Mr. Chrif.
tic.

The judges shall be elected by those whom they are to judge—to continue in office six years, but may be then re-elected.

Substitute judges shall be named to act for others in case of death or demission, &c. until the next election ; and both judges and their substitutes, before entering on their office, shall receive from the king letters-patent, confirming their election, &c. &c.

By a decree of Sept. 2, 1790, ecclesiastics cannot be elected judges, because the functions of a judge are incompatible with their ministry.

The same decree enacts, That although it is not necessary, in order to be eligible to the place of a judge, to be actually domiciliated in the canton or district for which he is elected, yet, after election, he shall be bound to reside constantly there.

Members of the national assembly may be elected judges, if they are not absent from the assembly, and present in the department where the election takes place.

Relations to the degree of cousin-german inclusively, cannot be members of the same tribunal ; and if two such are elected, the last shall be replaced by the substitute.

The judges and king's commissaries shall wear
black,

Mr. Christie.

black, round hats raised before, and a plume of black feathers.

The decree of Sept. 19, declares, That the presidents of the administration of departments and districts, not being necessary members of the directories, are eligible to be judges; but if they accept that situation, must resign their presidencies, and be reduced to simple members of the council.

The *ministerial* officers of the law shall be named by the king, for life; and neither they nor the judges can be deprived of their situations, except they have forfeited them, in the judgment of persons competent to pronounce on the offence.

No one can be elected a judge, substitute, or ministerial officer of the law, if he be not thirty years of age, and have practised at the bar for five years.

The tribunals shall on no account interfere in the legislative power, nor intermeddle in the operations of the administrative assemblies. But they may address the legislative body at any time, for an explanation of old laws, or to request new ones.

The pleadings, reports, and decisions, both in civil and criminal cases, shall be public; and every citizen may defend his own cause if he chooses, either verbally, or in writing.

In criminal causes, the mode of procedure shall be by *juries*.

All the citizens being equal in the eye of the law, and every preference of rank or turn of being judged,

udged, an injustice, there shall be no distinction of Mr. Chrif-
tic.
that kind, or any other observed in any case.

The code of civil laws shall be reviewed, and reformed by the succeeding legislatures; and there shall be formed a new civil code of laws, more simple, more clear, and more adapted to the new constitution.

The mode of proceeding in the civil courts shall also be reformed, so as to render it more simple, expeditious, and less expensive.

And the penal code shall likewise be reformed, in order to render punishments proportioned to crimes; to moderate their severity, and make them conformable to the maxim in the Declaration of the Rights of Man—that “the law cannot establish any punishments but such as are absolutely and evidently necessary.”

III. *Judges of Peace.*

There shall be a judge or justice of peace in each canton, and four prud'hommes (prudent men) as his assistants. If the canton contains any towns of more than 2000 inhabitants, these towns shall have a judge of peace, and prud'hommes of their own. Towns of more than 8000 inhabitants, shall have the number of judges which the legislative assembly shall hereafter decide, upon receiving the instructions of the administration of the department.

Feb. 23, 1791. No one can be a judge of peace, and at the same time a municipal officer, member of a directory, recorder, advocate, attorney, judge

Mr. Chrif- of the diftrict or of commune, or collector of
 tie. public taxes.

The judges of peace fhall be chofen out of the citizens eligible to the adminiftration of departments and diftricts, having completed thirty years of age, and without any other condition of eligibility.

They fhall be elected by individual scrutiny and abfolute plurality of votes, by the active citizens in the primary afsemblies.

An account of their nomination fhall be fent to the register-office of the diftrict, and deposited there ; which depofition fhall ferve to the judge of peace, in place of letters-patent from the king. If the judge dies, a new one fhall be chofen without delay.

The prud'hommes fhall be chofen by scrutiny of a lift, and relative plurality, out of the active citizens of each municipality, both for two years, but may be re-elected.

Feb. 23. The affeffeurs are excluded from the fame offices as the judges ; only, in towns and villages, they may be municipal officers. They muft not be nearer relations to the judge than coufin-germans, and if that, cannot decide along with him, but by confent of parties.

The judge of peace, with two of his affiftants, fhall decide on all caufes purely perfonal, or relative to moveable property, actions for damages, quarrels, &c. &c. without appeal as far as 50 livres, and on condition of appeal up to 100 livres. In
 this

this last case, the judgments shall be provisionally executable notwithstanding the appeal, on giving caution to a certain amount hereafter to be settled. Mr. Christie.

Appeals from the decision of the judge of peace, shall be made to the judges of the district, who shall decide finally on the hearing, and summarily upon the simple notification of the appeal.

By a decree of Aug. 25. it is determined, that there shall be a judge of peace and assessors in each of the 48 sections of the town of Paris, and in each of the cantons of the districts of St. Denis and Bourg la Reine.

The salary of justices of peace is,

In cantons and towns where there are not 20,000 inhabitants,

The judge - - - - 600 livres.

The register, independent of the produce of writs - - - - 200

In towns from 20 to 60,000 inhabitants,

The judge - - - - 900

The register - - - - 300

In towns above 60,000,

The judge - - - - 1200

The register - - - - 500

In Paris, by the decree Nov. 3,

The judges, besides certain perquisites - - - - 2400

The registers, each - - - - 800

IV. Judges in the first instance.

In every district there shall be a tribunal, composed of five judges, one ministerial officer of the law,

Mr. Chris-
tie.

law, and a certain number of substitutes. In towns of more than 50,000 inhabitants, the number of judges may hereafter, if the legislature think fit, be six, divided into two chambers, who shall decide conjunctly on causes in the first instance, as well as on appeals from the judges of the peace.

Paris shall have six tribunals for its town and department, each composed of five judges, a king's commissary, and four substitutes.

The first elected judge shall preside ; and where there are two chambers, the next elected presides over the second. The judges of the district take cognizance in the first instance, of all personal and other matters not already assigned to the judges of peace ; of affairs of commerce, where there are no tribunals of commerce established ; and of contests in the municipal police. Their decision shall be final up to 1000 livres of principal, or 50 livres of rent.

In all cases the parties shall be bound to declare, at the commencement of the procedure, if they consent to be judged without appeal, and shall have a right to agree to this during all the instruction of the process ; and in this case the judges of the district shall decide finally. When these judges decide without appeal, there must be four present ; but when they decide on condition of appeal, three may give the decision.

V. *Judges of Appeals.*

The judges of the districts shall be judges of appeal to each other ; the parties choosing which tribunal

bunal they will appeal to. If they cannot agree, Mr. Chris-
tie.
 it shall be decided in the following manner : the
 directory of every district shall propose a list of
 seven tribunals nearest the district, of which one
 at least shall be without the department ; which list
 shall be reported to the national assembly, assented
 to by them, and then deposited in the register-
 office, and pasted up in the auditory.—Out of those
tribunals of appeal of the district, when there are
 but two parties, the appellant or appellants may
 reject any three, the defendant or defendants other
 three, and the remaining one shall be appealed to.
 If there are three parties having opposite interests,
 each may reject two of the seven tribunals. From
 three to six may reject one each ; and if there be
 above six parties, the directory of the district shall
 add a supplemental list of as many new tribunals
 of the nearest districts, as there are parties above
 six.

The appellant shall signify which tribunals he
 rejects in his appeal ; and the defendant, in eight days
 after, or if he lives at more than 20 leagues distance,
 one day more shall be allowed for every 10 leagues.
 No rejections shall be received after these periods.

If parties are deficient in using their power of
 rejection, or more than one tribunal is left unex-
 cluded, that party which first summoned on the
 appeal, may choose which of them he pleases ;
 and if there is a concurrence of date, the choice
 of the appellant shall be preferred. No appeal
 can be signified before eight days from the date

T t

of

Mr. Christie.

of the judgment, nor later than three months after it was made known. The breach of these regulations shall render the appeal void. All decisions which are not executable provisionally, shall remain suspended for eight days.

For the tribunals of the district the salaries are,

In towns below 20,000 inhabitants,

Each judge and king's commissary, 1800 livres.

The register, - - - 600

In towns from 20 to 60,000,

Each judge and king's commissary, 2400

The register, - - - 800

In towns above 60,000,

Each judge and king's commissary, 3000

The register, - - - 1000

In Paris,

Each judge and king's commissary, 4000

Each register, - - - 1333. 6. 8

From these allowances shall be deducted 300 livres from 900; 450 from 1200; 600 from 1500; and 700 from 1800; 900 from 2000; and 1200 from 2400; to be formed into a fund, and for the droits d'assistance, to be distributed amongst the judges and commissaries actually present, and performing their functions at each session.

VI. *Form of Elections.*

The electors of the district, convoked by the procureur-syndic, shall assemble as prescribed in the decree of Dec. 22, and elect the judges by individual scrutiny and absolute plurality of votes.

When

When the new elections are to be made, these assemblies shall be held six months before the expiration of the sixth year; and if any accident prevents that, the judges in exercise shall continue their functions, until their successors be put in activity.

Mr. Christie.

VII. *Installation of the Judges.*

After the judges elected shall have received letters-patent from the king, they shall be installed into their offices by the members of the council-general of the commune of the place in which the tribunal is erected, and the judges of peace before the council of the place of their abode. The council seating themselves on the bench, and the judges being placed in the middle of the room, shall take the oath, "to maintain with all their power, the constitution of the kingdom, decreed by the national assembly, and accepted by the king; to be faithful to the nation, the law, and the king; and to fulfil with exactness and impartiality, the duties of their offices." The ministerial officers shall take the oath before the judges.—Then the council-general shall descend from the bench into the middle of the room, to instal the judges; and, in the name of the people, shall pronounce an engagement, "to shew to the tribunal, and its decisions, that respect and obedience which every citizen owes to the law, and to those who are the organs of it."

Mr. Christie.

VIII. *Of the Ministerial Officers of the Law.*

The ministerial officers, or agents of the executive power, at the tribunals, shall be called *commis-
saries of the king*; shall attend to the observation of all laws which respect the general order in decisions to be given, and shall take care that these decisions be executed; they shall be heard in all cases of pupils, minors, &c.—married women in accusations brought by the public accuser—in all cases where the rights or property of the nation or a community are concerned—and in the case of persons absent, who have none to defend their cause. No commissary of the king can be member of the administrative assemblies, nor of the municipalities.

IX. *Of the Registers.*

The registers shall be chosen by the judges, and cannot be relations in the third degree of those who choose them. There shall be one in each tribunal, aged twenty-five years at least, who has furnished a caution of 12,000 livres in immoveable property, to keep his office for life, and not to be deprived of it unless convicted of prevarication.

X. *Of the Bureaus of Peace and Conciliation.*

When matters exceed the competence of the judge of peace, he and his assistants shall form a bureau of peace and conciliation; and parties living within the jurisdiction of the same judge of peace, shall produce a certificate of having brought
their

their cause to this bureau, before appealing to the tribunal of the district.

Mr. Christie.

In every town where there is a tribunal of the district, the council-general of the commune shall form a bureau of peace and conciliation for the district; before which, parties living under the jurisdiction of different judges of peace, shall appear, previous to their appeal to the tribunal of the district.

The bureaux of peace of the district shall be charged with the care of all the causes of the poor, and shall give them advice and assistance *gratis*. The service of men of law at the *bureaus of peace*, shall be counted to them equally as the exercise of their functions for the same length of time at the tribunals*.

* Judges of peace, and bureaux of conciliation thus established, bid fair for doing much good, and promoting harmony amongst the citizens. Various proofs of their excellent effects have already been laid before the assembly. A letter from a judge of peace was read, Feb. 19, which mentioned, that although he was no lawyer, yet of 44 causes that had come before him in the course of a month, only two had been appealed to the tribunal of the district, and the other 42 he had been able to terminate amicably, at the expence only of 15 livres to the parties. M. Lavie announced the same day, that of 220 causes that had come before the judge of peace of the canton of Bifort, 200 had been settled amicably, without expence to parties. This domestic justice, added he, is a deliverance to the country people from the expences they were subjected to by the ancient form of process: it alone would be sufficient to make them bless the revolution. The inhabitants of my district regard it as a gift of Heaven, and as the master-work of the national assembly.

Mr. Chris-
tie.

Fines.

Every appellant from the decision of a judge of peace, whose appeal is deemed ill-founded, shall pay a fine of 9 livres; and from the decision of a tribunal of the district, 60 livres; without diminution in any case.

Defendants who have neglected to appear before the bureaux of peace, shall be fined the same sums, and appellants twice as much.

The Family Tribunal.

When contests arise between near relations, as parent and child, husband and wife, grandfather and grandchild, brothers and sisters, uncles and nephews, or between those allied to the degrees above, as also between minors and their tutors in things respecting tutorship, each of the parties shall be obliged to name two of their relations, or failing these, of their friends and neighbours, as *arbiters* to decide their difference. When any of the parties refuse to name arbiters, the other may apply to the judge to appoint them in his stead. If the four arbiters disagree, they shall choose one other person to give a casting vote.

The party who thinks himself aggrieved by the decision, may appeal to the tribunal of the district, whose decision shall be final. When a parent, or tutor, has weighty grounds of dissatisfaction with the conduct of a child, or pupil, whom he can no longer restrain, he may bring his complaint before a *family tribunal* of eight, or six at least, if more cannot

cannot be got of the nearest relations, or failing these, of friends and neighbours, who, after having heard the case, may determine, That the offender, if 21 years of age, shall be confined for a time not exceeding one year, their decision having first been notified to, and approved of by, the president of the tribunal of the district, after hearing information from the commissary of the king.

Mr. Christie.

XI. *Judges of Police.*

The objects of police are,

I. All that concerns the safety and convenience of passage in the streets, quays, public places and ways; which includes cleansing and lighting them, the carrying away of rubbish, the demolition or reparation of buildings that threaten to fall; the preventing of any thing being exposed at the windows or other parts of the houses, which might prove hurtful by its falling; and of any thing being thrown out from them, which might injure or annoy the passengers, or cause noxious exhalations.

II. The care of repressing and punishing offences against the public peace, such as quarrels and disputes, accompanied with mobbings in the streets, tumults excited in places of public resort, noisy and tumultuous meetings by night, that disturb the repose of the citizens.

III. The maintenance of good order in those places where great multitudes of people assemble, such as at fairs, markets, public rejoicings and ceremonies,

Mr. Chris-
tie.

ceremonies, shows, games, coffee-houses, churches, and other public places.

IV. The inspecting into the fairness of the sale of such goods as are sold by weight or measure; and into the wholesomeness of the eatables exposed in public markets for public sale.

V. The care of preventing by proper precautions, and putting a stop, by the distribution of necessary assistance, to calamitous accidents and pests, such as fires, epidemic distempers in men or beasts; calling in also, in these two last cases, the authority of the administrations of the department and district.

VI. The care of obviating, or of providing a remedy for, those disagreeable events which may be occasioned by ideots or madmen left at liberty, and by the breaking loose of mischievous or savage animals.

The municipal bodies shall have power to decide on matters of police in each municipality. The procureur of the commune shall prosecute offenders officially; but any private citizen who conceives himself injured, may bring an action; offenders may be fined, or imprisoned for three days at most in the country, and eight days in towns. Appeals shall be carried to the tribunal of the district, but the decision may be provisionally executed.

Theatres and public shows to be licensed only by the municipal officers, who shall also take care to dispel mobs by the disposition of the martial law, and shall be responsible for their negligence.

XII. *Judges*

XII. *Judges of Commerce.*Mr. Chris-
tie.

In all towns where the administration of the department judge it necessary, there shall be established a *tribunal of commerce*, to decide on all commercial questions. This tribunal shall consist of five judges, the presence of three of whom shall be necessary to pass any decision.

They shall be chosen by individual scrutiny and absolute plurality of votes, in a general assembly of merchants, bankers, tradesmen, manufacturers, and captains of ships of the town. They shall continue in office two years; the president to be then renewed, and half the others; and none can be elected but such as have resided and traded in the town at least five years, and are 30 years of age. The president must have carried on trade for ten years, and be 35 years of age.

The commercial judges of any town in a district, may take cognizance of all matters of trade in the district; and where there are no judges of commerce, the judges of the district shall decide on such causes by the same rule as the others.

The judges of commerce shall pronounce finally in all causes when the value of the object does not exceed 1000 livres. All their decisions are provisionally executable, on giving caution to the amount of the sum adjudged.

Parties may agree to be judged by them without appeal, and then their decision shall be final.

The tribunal of commerce in Paris, by a decree of Jan. 27, 1791, is to be composed of five judges,
elected

Mr. Chriftie.

electd by individual scrutiny and abſolute plurality of votes, by electors named in aſſemblies of the merchants, bankers, tradefmen, and manufacturers of each of the 48 ſections.

Theſe 48 aſſemblies, conſiſting of active citizens living in the ſection, and who have carried on buſineſs at leaſt a year in Paris, ſhall be convoked at the ſame time and place, by the procureur-general of the commune; ſhall meet at the uſual place of meeting of the aſſembly of the ſection; ſhall be opened by a commiſſary named by the municipality, on the notice of the judge of commerce now in exerciſe; and after electing a preſident, ſecretary, and three ſcrutineers, in the manner preſcribed to the primary aſſemblies, ſhall proceed to the nomination of an elector, by 25 citizens preſent having a right to vote, by one ſcrutiny of a ſimple liſt and abſolute plurality of votes. But at the third trial, relative plurality ſhall be ſufficient. Each aſſembly ſhall decide on the validity of the titles of its members, and appeal may be made to the adminiſtration of the department of Paris. The municipality of Paris ſhall determine when the electoral aſſemblies ſhall meet to name the judges of commerce.

Court of Annulment.

By a decree of Nov. 27, 1790, a *tribunal de caſſation*, or general tribunal for annulling deciſions, was eſtabliſhed. This tribunal is not to paſs a final judgment on any cauſe, but only to annul thoſe

those judgments in the last resort of other courts, which were either erroneous or informal. Their powers do not extend to annul final decisions of the judges of peace. Every six months, this tribunal is to name twenty of its members as a *bureau of requests*, who shall judge of all appeals, and decide if they ought to be admitted or not. If three fourths of this bureau agree either that an appeal shall be admitted or rejected, it shall take place accordingly; but if there be not that number of votes for either side, the affair must be submitted to the whole tribunal, and decided by plurality of votes. Requests to change a cause from one tribunal to another, may be decided in the bureau by simple plurality of votes.

Mr. Christie.

The section of annulment, who shall consist of fifteen judges at least, may decide by plurality of votes, on all appeals that have been admitted.

In civil causes, the time admitted for appeals to this court of annulment, shall be three months from the notification of the sentence complained of, to persons living in France. When the *form of process* only has been annulled, the matter shall be taken up anew, from the time when the irregularity took place; and there may be a second appeal against the new judgment.

When the *decision* alone has been annulled, the question shall be carried back to the ordinary tribunal, who judged of it in the last resort. The parties cannot then plead on the point regulated by the first decision; but if the second decision is similar

Mr. Christie.

similar to the first, a new appeal may be made to the court of annulment.

But when the judgment shall have been twice annulled, and a third tribunal shall have finally decided, no other appeal can be made, except to the legislative body, who shall then make a decree declaratory of the law ; which decree, after being sanctioned by the king, shall regulate the conduct of the tribunal of annulment.

The tribunal is to have a commissary of the king, named by his majesty ; and every year it shall send to the national assembly a deputation of eight of its members, with a state of the judgment given, and a summary account of each cause, with the text of that law on which the annulment was grounded.

The members of the tribunal shall be elected for four years only, but re-eligible by half the departments in the kingdom by turns, out of judges 30 years of age.

Miscellaneous Articles.

January 20, 1791, it was decreed, That there should be one criminal tribunal in every department, composed of,

1. A president, chosen by the electors of the department for six years, and who may be re-elected.
2. A public accuser, chosen by the electors of the department.
3. Three judges, chosen from those of the tribunals of the district, by turns, every three months—So that judgment is pronounced by four judges.

4. A se-

4. A secretary named by the same for life.

Mr. Christie.

5. A king's commissary, who shall be that of the tribunal of the district, established in the same city.

No man can be criminally prosecuted or judged, but on the ground of an accusation admitted by a *jury of accusation*, composed of eight citizens. This is exactly similar to our grand jury finding a bill.

The *jury of judgment* consists of twelve persons, to each of whom, in presence of the public, of the accused and the accuser, the judge shall put the following oath: "Citizen, you promise and swear to examine with the strictest attention the charges brought against —; neither to listen to the suggestions of hatred or malice, fear or affection; to have no communication with any one till after your declaration; to decide according to the evidence, according to your conscience, and your inward and profound conviction, with that impartiality and firmness which are suitable to a free man."

The witnesses take an oath to speak without hatred, and without fear; to tell the truth, the whole truth, and nothing but the truth.

Some other regulations for the improvement of criminal justice have been made; but as no complete system is yet formed, I shall not enter on them.

Juries in civil cases are deferred until the civil laws shall be reformed and simplified; and to use the words of M. Garat, "with a tender regard
" for

Mr. Christie.

“ for humanity in all conditions, we have first attempted what was deemed inexecutable by all other people, the extension of liberty to the *soldier* and the *sailor*, by appointing them to be tried by a jury of their peers.”

Some have censured the idea of **MILITARY JURIES**, and others have extolled it. I consider it as an *experiment*, and rejoice that it has been tried.

March 12, 1791. The law of succession when a person dies intestate was decreed, and it was appointed, That all children, and all heirs in the same degree, should inherit equally, without any distinction of elder or younger, male or female. On this decree, of which I approve the general principles, I should, however, have been inclined to have made some alterations. With respect to the law of successions, it has *long* been my opinion,

1. That the feudal right of primogeniture, which appropriated almost the whole of a man's fortune to his eldest son, and left the rest of his children nearly beggars, was most shocking, unnatural, and abominable. Hence I consider all *entails* as iniquitous and unjustifiable. What, for instance, can be more contrary to principle, than the situation of the son of a wealthy and distinguished baronet and senator of Ireland, whose case I was lately made acquainted with? He is one of twelve children, five sons and seven daughters. After much trouble, the father has alienated about 2000l. a-year, to make some provision for his eleven younger children, some of whom are driven into

foreign lands to find their subsistence. The remainder of the fortune, which may be ten times as much as the eleven younger children have all together, is exclusively limited to the eldest son, who has had the *grace* and *modesty* to carry on a law-suit with his father, to prevent all further alienation of the property to provide for his brothers and sisters. **THIS** is the *ancient jurisprudence* ! Hear it, ye nations ! This is that jurisprudence which Edmund Burke regrets will no longer be studied since the French revolution !

Mr. Chrif-
tic.

2. Until a competence is provided for female children, according to the state of life they have been educated in, I am of opinion that *nothing* ought to be left to boys, excepting merely what may be requisite to pay their apprentice-fee, or begin them in such trades or professions as they have chosen, or may be destined to. For boys can make a thousand shifts, but helpless women can make none.

3. But after a competent provision in their station, I think no more ought to be bequeathed to females, however large a man's fortune may be. For there is scarce an instance where immense fortune has been of any real use to a woman, or where it did not *endanger* her true happiness, by rendering her a *subject of speculation* to adventurers and fortune-hunters, and exposing her to be the dupe of artful and unprincipled men. In an advanced period of society like the present, where almost a third part of mankind are living above their real income,

Mr. Chris-
tic.

come, mere gamblers in the lottery of human life; trusting in hope, and exceeding reality, it is rendered more peculiarly dangerous; for it is a common stratagem with this class of men, to avoid bankruptcy, by entrapping some innocent artless girl of fortune, whose pleasing hopes and romantic expectations are at once changed into despair and misery, by finding herself united with a beggar, a cheat, and a man who does not care for her.

4. Though I reprobate the ancient law of primogeniture, I am still inclined to think, that we run from one extreme to another, and, in our indignation against the abuse, may annihilate the use of a thing. Tacitus commends one for the rare excellence, *quod difficillimum est*, of retaining *modum ex sapientia*, “a measure in wisdom.” And as I think an eldest son, if he has any feelings of humanity, of honour, or of duty, will always consider himself as the immediate representative of his father, and as charged, on occasion of his death, disease, or incapacity from any other cause, with the *peculiar* care of his mother, and of the younger children; so I think he ought to be recompensed for this burden, and enabled to do justice to it, as well as to maintain his necessary superiority and respect over the others, by a larger provision than the younger children. For, otherwise, his case would be *harder* than that of any of the rest, which surely nobody will argue for the justice of.

These few remarks I offer freely to the enlightened legislators of France. In the succession to the
the

the throne, they have judged it right to exclude females—in the succession to the regency, they have also excluded females.—They do not give the sex the privilege of active citizens, or any share in the government. I therefore propose it to their serious consideration, how they can leave to women an equal share with men, and with him who is charged with peculiar duties, the eldest son, of large estates left by an intestate father, in confidence with their own principles, or with the nature and reason of things?

Mr. Chrill
tic.

This is a general sketch of the new judicial system, so far as it is yet decreed *. It would afford an opportunity of making many interesting remarks, if I had leisure to enter upon a fuller consideration of it.

Amongst the evils which Mr. Burke seems to apprehend from the French revolution, one is—that the ancient system of jurisprudence will no longer be studied. I have not gone so deep in legal investigations, as to enable me to estimate the value of the ancient code with perfect accuracy; but from what I have seen of it, I am pretty nearly satisfied, that if all the law-books in Europe were at once annihilated, the world would be a gainer. Our legislators and statesmen would then be sent

* An additional decree (Sept. 7, 1790) pointed out the proper tribunals to which applications were to be made in a variety of cases. The *high national court* for trying crimes against the state, is noticed elsewhere: but the decree relative to it, came too late to be inserted here.

Mr. Chri-
stie.

to form a new code of laws, not from contradictory authorities and bad precedents, as *Gratian* compiled his *Concordantia discordantium canonum*, but from reason and common sense, from the nature and wants of man, from the condition and requisites of civilized society. That a general reform in the ancient jurisprudence is necessary, seems to be allowed all over Europe. The King of Prussia formed a new code for his people; and the new Tuscan laws will do immortal honour to Leopold. If we speak of England, I believe intelligent and honest lawyers amongst us have but one opinion, respecting the necessity of a new civil, and still more of a new criminal code. Mr. Burke may consider the law of England as the “*collected reason of ages* :” but there are others to whom they appear nothing else but an incoherent jumble of regulations, in which there is much wisdom and much folly—a confused mass of ordinances, extracted fortuitously from innumerable sources, without judgment, taste, or discrimination. I have little other opinion of them than a French lawyer had of the work of Gratian, and the *decretals* of Gregory : “*Compilationes sunt ac farragines*,” says he, “*tum bonarum tum pravarum rerum, inconditè et imperitè coacervatæ.*”

This motley collection consists of extracts from the *Roman law*, and the decisions of emperors—scraps of the *Canon law*, and the judgments of popes and councils—the *common law*, or that vast mass of usages and institutions that have arisen
from

from chance or reason, from fancy or caprice, or Mr.
the influence of peculiar circumstances, some of —
which still exist, and others have ceased, though
the practices originating from them are still kept
up. Of these some of the rules are *general*, ex-
tended to the whole kingdom ; and some *local*,
confined to a particular spot.—Institutes of *statute*
law, or acts of parliament, divided into English
acts peculiar to the southern, Scotch acts peculiar
to the northern part of the kingdom, and British
acts controuling and confounding both.—Shreds
of the *maritime* laws of Rhodes and Oleron—of the
commercial code of Wisbury, &c.—Reports of the
decisions of courts, or of private individuals, which
are now swelled to the comfortable quantity of some
hundred volumes of various and often contradictory
precedents, which no man ever read, and which
are not worth reading, but of which the imperfect
knowledge commonly possessed by men of law
proves a rich source of emolument to their order,
and of ruin to their clients. For when one de-
livers a clear principle of reason and equity that
ought to guide the judgment of a court, another
finds out, that in the case of the King against John
Doe, it was otherwise decided ; and a third, of
better memory than him, recollects, that in the
case of Prynne against Thomas Roe, the matter
was taken up upon a ground different from either.
Mr. Burke may admire a system of laws, of which
the *abridgment* fills more than 20 volumes in folio ;
“ tam immensus aliarum super alias acervatarum

Mr. Chris-
tie.

legum cumulus :” but I confess I reserve my admiration for very different objects. The study of such a system of jurisprudence, is not the contemplation of *wisdom*, but of *authority* and *precedent*—it does not tend to *enlarge* the mind, but to *narrow* it—it does not teach to *reason*, but to *quibble*. I have the pleasure of knowing, and I much esteem, several intelligent men in the profession of the law; but they are men who, from the influence of *better studies*, have risen above that *character*, and those *views* which the study of law only would have impressed upon them.

If our *laws* require a reform, the constitution of our *courts*, and the *practice* of the law in them, stand no less in need of one. Every species of confusion, delay, uncertainty, absurdity and enormous expence, is to be found in their miserable organization and form of process. To the poor man, justice is in many cases inaccessible; and the rich man usually pays more than the amount of the object disputed, in obtaining it. Hence it is an observation, trite even to a proverb in England, that of all modes of ruining one’s self, the most infallible is that of going to law!

I should be sorry, if, from these observations, I should be represented as an enemy to lawyers. I am neither an enemy to them, nor to their profession, but to the abuses of it. The profession of the law I hold to be in itself an useful and an honourable one. Differences must arise amongst imperfect beings, and “offences must come”
amongst

amongst weak and short-sighted creatures like men. To determine these according to justice and rectitude—to assign to every one what belongs to him, and no more—to prevent all encroachments, and keep the balance of property, possessions, and rights, equal between the citizens—finally, to subdue all particular wills and private passions into an obedience to the rules of eternal justice and reason—such is the high, the honourable function of the law.

Mr. Christie.


But if the law, instead of eternal reason, shall be found to appeal to nothing but fluctuating authority, and that too deduced from unenlightened times; if her canons, instead of being the *selected* wisdom of ages, shall become nothing else than a *collected* mass of regulations, assembled together as chance or caprice, or old absurd customs, directed; if the multitude of these confused, heterogeneous, barbarous, black letter laws, shall exceed all the powers of human memory to remember; if the forms of procedure in courts become intricate, vexatious and tedious, so that no man can obtain justice without enormous expence, trouble, and loss of time, and any man who is rich and mischievous enough, may vex, torment, and oppress his neighbour almost to any degree—in such a state of things, what must be the consequence?—most assuredly that the law, as well as its professors, will lose the confidence

Mr. Christie. of mankind, and the honour naturally belonging to them—that instead of a public good, they will be considered as a public nuisance—that the name of lawyer, in place of being regarded as a respectable and *sacred* name, (for such ought that of the peace-maker to be in human society), will be associated with disagreeable ideas, and convey to men's minds the idea of an oppressor, a cheat, a harpy who preys on their vitals, and lives by the miseries of mankind.

END OF THE FIRST VOLUME.





